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Tensions, Challenges and (Trans)- Formations of a Migration Regime: An Analysis of the New Venezuelan Migration Phenomenon in Colombia

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Abstract

The Venezuelan Migration Crisis is a challenge for the Americas when considering the velocity of the phenomenon, the number of migrants (2.5 million in the region), and the heterogeneity of these migration flows that have intensified during the last three years. Particularly for Colombia, the country that has received the highest volume of Venezuelan migrants, returnees, and dual citizens (approximately 1.2 million), the challenge has been unprecedented. The Andean country was until 2015 mainly an emigration country that did not count with significant migration management experience besides the one obtained as a result of the internal displacement issue produced by the armed conflict. Moreover, Venezuela was until the last decade mainly an immigration country whose population was not used to the emigration phenomenon. Under this complex and new dynamic, the following master thesis aims to analyze the social challenges perceived by the Colombian state in relation to this crisis, and the measures taken so far by the state to tackle it; the different tensions the Colombian State faces when dealing with the securitization of the border and defending the human rights of the Venezuelan migrants and returnees, and the transformations that are taking place in the Colombian institutions and migration regime that this unprecedented human flow is causing. This qualitative analysis was done by conducting a content analysis of official documents, and the interviews conducted in Colombia with Venezuelan migrants, returnees, experts, and Colombian state representatives, by bearing in mind the following theoretical approaches: the liberal paradox; social transformation, social change and migration, and migration regimes

Keywords: Venezuelan Migration in Colombia, Social Transformation, Migration Regimes, Liberal Paradox, Human Rights, Securitization, Migration Crisis, Migration Management.

Note by the author: this master thesis to obtain the Master's Degree in InterAmerican studies was finished in February 2019. Hence, the number of Venezuelan migrants and refugees worldwide correspond to the figures at the time. Since then, the number of Venezuelans abroad kept increasing to reach over 5.5 million globally (R4V, 2021) and over 1.7 million in Colombia (Colombian Migration Office, 2020) by 2020. These figures as well as other numbers, and the evolution of different phenomena related to the Venezuelan migration crisis in Colombia up to the present were not changed because adapting them would imply changing the context in which the text was written back then.

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1. Introduction

Migration is by no means a new phenomenon; however, in the early 21st century not only the figures regarding people that migrate but also the discussion of this phenomenon on the international agenda has rapidly increased (Entzinger, 2012). For instance, the migration and refugee crisis that Europe faces today, which has deepened after 2015, has had an enormous impact on both supranational organizations such as the European Union and on the different nation-states regarding the political realm, public policies, and the question of integration. In Latin America, the most traditional emigration countries have been Mexico, Bolivia, Ecuador, Colombia, Chile, Argentina, Cuba, and the Central American region. However, there was a country in the region that, until the late 1980s, was considered foreign to this southern reality: Venezuela. Instead of a country of emigrants like its neighbors, the Caribbean oil producer nation was well-known as a migrant's destination, specifically for Spaniards escaping from the *franquista* dictatorship; Italians and Portuguese leaving Europe after World War II; Argentini-ans, Uruguayans, and Chileans getting away from dictatorships and crisis, and Colombians, Peruvians, and Ecuadorians attracted by the economic success of the oil boom in the *petrostate*. (Maestres, 2011; De la Vega and Vargas, 2014; Gonzalez, 1991)

However, in 2010, the migration profile of Venezuela began to shift from a country of destination to a country of origin. Particularly in 2017, there was a significant increase of Venezuelans migrating in record numbers to other countries within the region and the world. This shift of migration pattern has been critical: by 2018 3 million Venezuelans have left the nation since 2014, which represents 10% of Venezuelan total population (UNHCR, 2018d). According to the IOM, this international exodus of Venezuelans is moving “toward a “crisis moment” comparable to events involving refugees in the Mediterranean” (Reuters, 2018a). By 2019 two more million Venezuelans could have left the country, reaching the figure of 5.3 million Venezuelans abroad. (Reuters, 2018b).

Even though the number of migrants moving to the richest countries has almost tripled between 1965 and 2010 (Entzinger, 2012), the majority of migrants from the Global South migrate to another developing country, rather than to the Global North (Carling and Talleras, 2016). This is also the case in the Venezuelan migration crisis since 2.3 million Venezuelan migrants (76% of the total) have moved to other Latin American nations (World Economic Forum, 2018), which represents a huge challenge for a region that already faces different economic, political and social challenges. “Some South American states have applied ordinary legal migration tools to grant Venezuelans (permanent or temporary) residence; several others have approved new legal measures since the beginning of 2017. These responses highlight the importance of

countries' migration governance to adapt in times of increasing immigration" (Modolo and Teixedo, 2018). Venezuelans' first destination is neighboring Colombia with a total of over one million Venezuelan migrants and Colombian returnees (UNHCR, 2018d).

Venezuela and Colombia are not only bounded by the historical, social, and cultural heritage received from Spain during colonial times, they also shared the same nation-state after their independence fights: the so-called Gran Colombia from 1819 until 1831. However, due to ideological fractures and political divisions within the nation, Venezuela separated in 1831. Even though the nations are not under the same state anymore, the flows of goods and people continued between the two Andean countries, and they share the most dynamic border in the region with its 2219 Km. Regarding their migration flows, during the second half of the 20th century, both countries showed opposite trends. As a result of the oil boom and political stability after 1958, Venezuela was an immigration country that received both Latin-Americans and Europeans (Muñoz Bravo, 2016; Castillo and Reguand, 2017; Páez, 2015; Massey et al, 1998; Castles, 2014). On the contrary, and as a consequence of economic and political instability, as well as the violence in the nation caused by the armed conflict among the state, the guerrillas, the paramilitary forces and drug cartels, Colombia has been an emigration country with flows moving mainly to Venezuela, the USA, and Ecuador (Carvajal, 2017; Mejias, 2012), and with the highest number of internally displaced persons in the world (7.6 million, UNHCR, 2018a). However, during the last years, the migration patterns of the neighboring countries have turned over as a result of a social transformation process in Venezuela that has led, first, to an economic crisis evidenced through the highest inflation rate worldwide that reached 1,698,488.2% in 2018 (El Nacional, 2018). This economic distortion has caused a humanitarian crisis seen through the shortages of food and medicine, and the increase of children malnutrition (Caritas Internationalis, 2018). Second, a political crisis observed through the progressive transformation of Venezuela into an authoritarian system (Bertelsmann Foundation, 2016) that has also forced Venezuelans to leave, along with the high levels of violence since the country shows some of the highest criminal and homicide rates in the world (*Consejo Ciudadano para la Paz y la Justicia Social*, 2016). These root causes have forced Venezuelans to take the option of *exit* the country after failed attempts to *voice* (Hirschmann, 1970) throughout different protests in 2014 and 2017 against President Nicolás Maduro in which officially 43 and 127 people died respectively.

1.1 Problem Statement and Justification

The present study aims to analyze the Colombian case for multiple reasons. Firstly, Colombia is the most affected nation by the Venezuelan migration phenomenon by taking into consideration: 1) the volume of migrants this nation has officially received so far: more than 1 million Venezuelans (935,593 regular migrants, in process of regularization and irregular plus around 300,000 returnees, (World Bank, 2018) which represents 2.65% of Colombian total population; 2) the velocity of the phenomenon: in 2015 Colombia had 48,714 Venezuelan migrants and today there are over 1 million Venezuelan migrants and returnees (IOM, 2018b) which represents an increase of approximately 2600%; 3) the heterogeneity of the flows that includes economic migrants, humanitarian refugees, returnees, pendular migrants, and transit migrants; 4) the fact that Colombia was an emigration country with little immigration experience or policies; 5) all this in the context of a country that faces social and economic problems, an unequal distribution of the resources, and that still counts with very vulnerable border areas. These factors represent a challenge for the Colombian state and the Colombian society since they did not count with considerable experience in migration management, and still do not have comprehensive migration laws or policies to face the challenges of global migration. It is also important to analyze the Venezuelan migration phenomenon in Colombia due to its newness, and the lack of both theoretical and empirical studies since it is a current phenomenon. Indeed, when the field research was conducted (May 2018), the experts interviewed expressed they were still trying to understand the phenomenon.

1.2 Research Questions and Structure

By considering the circumstances mentioned above along with the field research experience in Bogotá, Colombia, in May 2018, the following main guiding question arose to analyze the empirical data: what are perceived as social challenges that need to be addressed by the Colombian state and what measures has the Colombian state taken since 2015 and plans to take to tackle the Venezuelan migration crisis by 2018? -The analysis starts in 2015 since according to the Colombian state representatives and the experts interviewed for this project, the crisis began in August 2015 with the return of approximately 22,000 Colombians from Venezuela. To answer this question, I develop four chapters. In Chapter 2 (Historical and Sociological Framework: Analyzing the aspects that make the phenomenon so complex), I discuss the transition of Venezuela from an immigration to an emigration country as a result of a social transformation, and how, on the contrary, Colombia went from being an emigration country that is now receiving the highest amount of Venezuelan migrants but that still struggles with

important internal displacement issues. In this section, I also describe the different Venezuelan migration flows to Colombia from 2004 until today.

Later, in Chapter 3 (Theoretical Framework), I discuss the different theories and definitions that shed light to understand the new phenomenon. These theoretical approaches are social transformation and migration (Castles, 2015; Faist et al, 2018), the tension between defending migrants' human rights and security, namely, the liberal paradox (Hollifield, 2004), and migration regimes (Pott et al, 2018). In Chapter 4 (Methodology and Methods), the methodology applied, the data collection process, the methods used to analyze the empirical data such a content analysis (Mayring, 2016), the limitations of the study, among other methodological issues are explained. Next, in Chapter 5 (Analysis and Findings), I develop the content analysis of semi-structured interviews that were conducted in Bogotá, in May 2018, with experts, Venezuelan migrants, returnees, dual citizens, two representatives of the Colombian state, and two experts of Colombian academia. I contrast this material with official public speeches by Colombian former President Juan Manuel Santos, and official reports conducted by the World Bank and the University del Rosario in collaboration with the Konrad Adenauer Foundation that deal with the challenges and opportunities of the Venezuelan migration phenomenon in Colombia. In this chapter, I also analyze if the theoretical approaches discussed in Chapter 3 (the liberal paradox and social transformation and migration) can also be applied in the case under study. Firstly, the thesis aims to observe up to what extend we can identify a tension between the migrants' human rights advocacy and security, namely the "Liberal paradox", and what other aspects have been playing a role in this tension that are not included in Hollifield's approach. Secondly, I discuss if a transformation is taking place in the Colombian migration regime and the Colombian institutions as a result of the Venezuelan and Colombian returnees migration phenomenon. The text also analyses what interactions of which actors can be identified as a result of the Venezuelan migration pressure in the Colombian state, between the micro-level and the macro-level, and within the macro level of analysis. Even when the Colombian state is the core of the analysis, its practices will be studied by taking into consideration the agency of other actors such as international organizations and the migrants themselves since they play a decisive role in the (trans)- formation of a migration regime. Another important actor that is also briefly analyzed is the Colombian academia since they are advising the decision-makers about what measures they should take to tackle the human mobility issue. I finish with the conclusion of the master thesis.

2. Historical and Sociological Contexts: Analyzing the Aspects that Make the Phenomenon So Complex

In migration studies, in order to understand the collective behaviors of human beings and how they are linked to social structures and institutions, it is necessary to analyze the macro-level structural factors that shape human mobility in a specific historical situation (Castles, 2012). Thus, in the following chapter, the context of the current Venezuelan migration phenomenon will be analyzed. Firstly, the social transformation process in which Venezuela shifted from an immigration to an emigration country and the root causes embedded in this process will be analyzed. Secondly, how in Colombia the opposite has been occurring with the Venezuelan migration crisis will be discussed, to continue analyzing the Venezuelan migration flows to Colombia, its characteristics, and the drivers of this international migration to Colombia

2.1 Venezuela: Social Transformation from Immigration to Emigration

During the 19th and 20th centuries, Venezuela was a destination country for migrants from both Europe and Latin America. However, during the last three decades, the nation has shown a critical change regarding its migration patterns as a result of a domestic crisis related to a change in the political system, an economic unbalance that has even become “institutionalized” during the last years, and an unprecedented social decomposition in Venezuelan Republican history (Castillo and Reguant, 2017), resulted in some of the highest criminal and homicide rates in the world (*Consejo Ciudadano para la Paz y la Justicia Social*, 2016). Particularly in 2017, there was a significant increase in Venezuelans migrating to other countries within the region and the world. Not only has the emigration to traditional destination countries intensified, but there has also been a diversification of destinations as Venezuelans migrate to new countries (Modolo and Texidó, 2018). This shift of migration pattern is critical; indeed, according to the UN, 3 million Venezuelans have left the nation since 2014, which represents 10% of the Venezuelan total population. 2.3 million of them have moved to other Latin American nations (World Economic Forum, 2018), which represents a huge challenge for the region that already faces different economic, political, and social challenges. According to the IOM, this international exodus of Venezuelans is moving “toward a “crisis moment” comparable to events involving refugees in the Mediterranean” (Reuters, 2018), and according to the UN, by 2019 two more million Venezuelans could flee the country, reaching the figure of 5.3 million Venezuelan migrants (Nebehay, 2018). Another analysis conducted by Bahar and Barrios (2018) which takes into account the Venezuelan oil production figures, the importation of food, and the calorie intake a person needs to survive, foresees that due to the economic crisis in 2019 the

figure of Venezuelans abroad could reach eight million migrants surpassing the Syrian refugee crisis.

Like many other Latin American states, Venezuela promoted migration policies during the 19th century to attract European migrants to rural areas (Fitzgerald and Cook-Martin, 2014). Later, during the 20th century, Venezuela maintained its status as a European immigrant country due to its political and economic stability, as well as a result of World War II. The last important wave of European migrants occurred in the 1950s, 1960s, and the first part of the 1970s as a consequence of the oil boom that attracted investment to help the industrialization of the country (Muñoz, 2016) and caused a favorable economic situation (De la Vega and Vargas, 2014). During the dictatorship of Marcos Pérez Jiménez (1948-1958), and as a result of the Venezuelan open-door policy applied by his administration, migration requirements were considerably reduced (Castillo and Reguand, 2017). Indeed, during this period about 335,000 immigrants came to Venezuela and 70% of them were from southern Europe (Italy, Spain, and Portugal) and other South American countries (Massey et al, 1998).

According to Muñoz (2016), Venezuelan immigration flows were predominantly represented by Latin Americans, especially Colombians, after the 1970s. Bolivians, Ecuadorians, Peruvians, Cubans, Argentinians, Chileans, and Uruguayans also came to Venezuela during this period as a consequence of harsh economic crisis, dictatorships, and violence (Páez, 2015). In fact, the Venezuelan migration experience was very different to the one of its neighbors in the Andean region “with a significant inflow of regional migrants since the 1970s.” (Castles, 2014). Colombia, for instance, was predominately an emigration country with the highest internal displacement human movement in the world. (UNHCR, 2018a)

During the 1980s and 1990s, a migration turn occurred in the oil-exporter country as a result of an economic recession, social decomposition, and the deterioration of the institutions that harmed the immigration patterns. This situation encouraged the return migration of many emigrants to their nations of origin and began the emigration process of many Venezuelans (Freitez, 2011).

According to Castillo and Reguand (2017), there are four critical periods in Venezuelan history in which Venezuelan emigration increased after the 1980s. The first period took place during the Presidency of Luis Herrera Campins (1979-1984) since his administration faced abrupt devaluation such as the one during the “Black Friday” in 1983, and restrictions on transfers and currency exchanges. These measures were taken by the President as a consequence of the severe economic imbalance that resulted from an unplayable external debt created during the presidency of Carlos Andres Pérez (1974-1979).

During the second presidency of Carlos Andres Pérez (1989-1993), the second period occurred. This migration wave was the result of the “*Caracazo*”; a social upheaval in February 1989 caused by the application of unpopular economic measures that included the privatization of state companies, a tax reform, the reduction of customs duties, the decrease of the role of the state in the economy, and the elimination of the gasoline subsidies, which had long maintained domestic gasoline prices far beneath international levels and even the production costs. The latter was the most controversial measure taken by Pérez and triggered the upheaval.

This crisis created both poverty and inequality in the country, and a loss of trust in the institutions and the traditional political parties AD and COPEI, the representatives of the bipartisan system in Venezuela since 1958. This situation caused, at the same time, a feeling of protest and dissatisfaction in the country (López Maya and Panzarelli, 2013). Also, two attempted coup d'états in 1992 that created the loss of the economic, social, and political stability, along with the expectations resulting from Spain's adhesion to the European Union, swelled the number of Spaniards going back to their origin country (Castillo and Reguand, 2017).

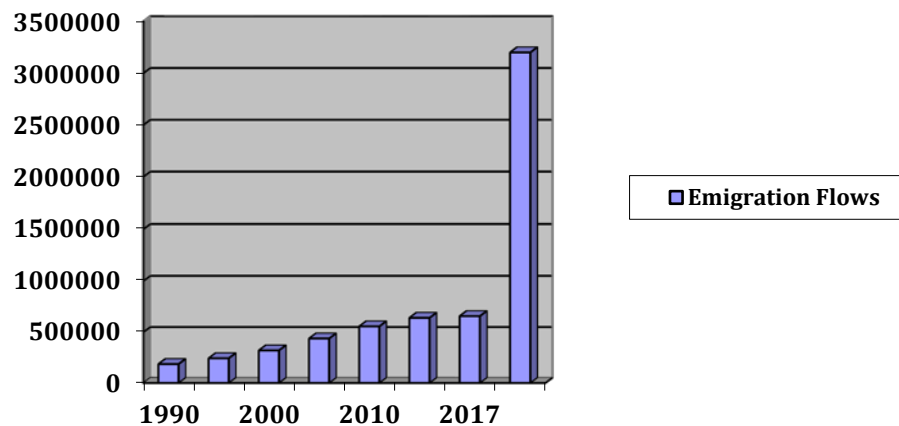
The third flow took place during the second administration of Rafael Caldera (1994-1999) and was caused by the Venezuela financial crisis. The latter generated the failure of 17 of the country's 49 commercial banks, as well as some subsidiaries, - representing 53% of the system's assets (Molina, 2002), and created doubts about the economic future of Venezuela. As a consequence of this financial crisis, people emigrated to save their money abroad. In this period the emigration of Venezuelans from some European descendant also started to increase since they could acquire dual citizenship as a result of different laws and programs developed in Italy and Spain (Castillo and Reguand, 2017; Muñoz, 2016).

The last and most critical emigration flow, concerning the number of emigrants, occurred after Hugo Chávez took power in 1999. After being a country of emigrants for almost two centuries, with some punctual exceptions due to exiles or other reasons, already mentioned, Venezuela became a nation of emigrants in the context of the highest GDP income the country has received in its entire history (Páez, 2005, quoted in Castillo and Reguand, 2017). Especially between 2003 and 2009, Hugo Chávez improved the economic situation of the poorest and incremented the welfare levels of the most vulnerable population thanks to the high oil prices (Muñoz, 2016). Nonetheless, a high political polarization created by his populist personality, his intention of changing Venezuelan political and economic structure into a socialist one with the application of the 21st-century socialism, and an acute economic crisis have not only caused a drastic change in Venezuelan migration patterns, but also a humanitarian complex emergency caused by the highest inflation worldwide, and shortages of medicines and food.

The Venezuelan regime argues that this economic crisis is caused by an “Economic War” created by the private sector and the US. However, many experts argue that this economic crisis is the result of the collapse of a model that could float but that was made to fail (Salmerón, 2018), as well as high corruption levels (Transparency International (2018) argues that the Venezuelan public sector was in 2018 the most corrupt in the western hemisphere, and occupies the 168th position out of 180 countries).

As stated by the Total International Migrant Stock UN (2017), in 1990 there were worldwide 185,888 Venezuelan migrants, in 1995 242,985, in 2000 320,040, in 2005 437,280, in 2010 556,641, in 2015 640,686, in 2017 657,434, whereas in 2018 there were over 3.2 million Venezuelan migrants in the world according to the UNCHR (2018d). This shows the dramatic increase of Venezuelan emigration patterns during the last three decades, specifically during the last three years when the figure skyrocketed from 657,434 in 2017 to 3.2 million in 2018, which represents an increase of approximately 486%. This significant increase can be better observed in the following figure.

Figure 1. Venezuelan Emigration flows since 1990.



Own elaboration with data from UN, 2017(1990-2017) ; UNHCR, 2018d (2018).

2.1.1 Why do Venezuelans emigrate? Root causes of Venezuelan emigration after Hugo Chávez’s arrival

A term that can help to better understand the current Venezuelan migration phenomenon is “mixed migration”. According to Van Hear (2011), people move as a result of different reasons

that go from escaping life or death circumstances or intolerable living conditions; they may also migrate to better themselves, or they move for a combination of these and other reasons; thus,

Migration can be mixed in several senses, which to some degree relate to stages of the migratory process: motivations may be mixed at the point of deciding to move; migrants may make use of the same agents and brokers; they may travel with others in mixed migratory flows; motivations may change en route and after arrival; and people may find themselves in mixed communities during their journeys or at their destination. (p. 2).

For example, according to Human Rights Watch (2017), thousands of Venezuelans have escaped the humanitarian crisis their government denies, and it has not given a proper response. A large number of Venezuelans have moved to Brazil throughout the border with the Brazilian city Roraima. Some of them seek to be received as refugees, whereas others try to find a temporary job and others go there just to receive medical assistance they need urgently. For its part, the World Bank (2018) points out that the Venezuelan flows are considered mixed since they are composed of economic migrants, population returning to their countries of origin, and to a lesser extent, asylum seekers. In several destination countries, including Argentina, Brazil, and Uruguay, Venezuelan migrants are regularizing their immigration status through the regulatory framework of each country, which includes agreements for citizens of Mercosur (Southern Common Market)¹ (p. 49).

As can be observed, they migrate with different purposes. To sum up, Venezuelan migration is mixed and responds to different crises the country is facing in different areas: 1) *Economic and humanitarian crisis*, 2) *political crisis*, and 3) *insecurity levels*. Even though there are Venezuelans that have been migrating for other personal reasons such as studying abroad or family reunification (Páez, 2015), the first three are the main root causes for the current Venezuelan migration flows. These root causes, which will be further explained in the next three sections, are intertwined with a social transformation process that has been occurring in Venezuela as a result of the application of the Venezuelan 21st-century socialism since the arrival of Hugo Chávez. At the same time, this social transformation has generated significant emigration flows during the last years. For further details about the relation between Social Transformation and Migration, see Chapter 3, section 3.2.

¹ Mercosur is a South American trade bloc. Its full members are Argentina, Brazil, Paraguay, and Uruguay. Venezuela is a full member but has been suspended since December 1, 2016.

a) Economic and humanitarian crisis

As Malgesini (2012) argues, the main cause of migration is the economic disparities, and in the Venezuelan migration flows this is also the case. One of the main reasons why Venezuelans have been emigrating during the last years is the economic crisis that the Caribbean country is facing today, and that is described as the worst one in Venezuelan contemporary history by many experts (Salmeron, 2018; Páez, 2017). Venezuelan inflation is the highest worldwide, it reached 1,698,488.20% in 2018 (El Nacional, 2018), a situation only comparable with the ones observed in the Weimar Republic in the 1930s or Zimbabwe in the 2000s. As a result, the prices of food, hygiene products, medicines, clothing, spare parts, etc., are extremely high. This makes buying food or covering basic needs impossible for many. According to CENDA (2018), in July 2018 the family food basket cost Bs. 295,821,795.32, and the minimum wage was Bs. 3,000,000.00. In other words, a Venezuelan family needed in August 2018, 98 monthly minimum wages to buy the necessary amount of food to survive in a month. This economic crisis has caused the increase of children with malnutrition in Venezuela. As Caritas Internacionales (2018) explains “acute malnutrition in children has hit a staggering 16 percent, more than triple the World Health Organisation threshold.” Caritas also states that more than 15,000 children show 65% signs or risks of malnutrition.

However, the problem is not only the price of food and medicines but also finding these products since Venezuela has been facing an acute shortage crisis. This issue is the consequence of different economic measures taken by the Bolivarian government since Hugo Chavez’s days. Since 2002, there is an exchange control in Venezuela², which means that to obtain access to dollars people need to ask for permission from the Venezuelan State. In the beginning, this measure aimed at stopping the capital flight. Nonetheless, this exchange control created more bureaucracy, and later the state was not strong enough to cover the demand. Corruption cases³ related to CADIVI, the institution in charge of exchanging dollars, also increased difficulties for entrepreneurs to get dollars and buy the necessary products abroad to produce food, medicine or to export those articles that are not produced in the country. As a result, producers and entrepreneurs were forced to purchase dollars in the black market, where

² It ended in May 2019.

³ In November 2018, a Venezuelan ex-treasurer admitted having taken 1 billion dollars in bribes to give dollars with the official rate to businessmen to allow them to conduct illicit foreign-currency transactions. (Reuters, 2018c). There are many other proven cases of corruption of this type.

prices are much higher. This situation contributed to the inflation in the country. Moreover, the Venezuelan government kept printing inorganic money to tackle inflation,⁴ which also caused the hyperinflation process the country has been facing.

The Venezuelan historian Margarita López Maya (2016) explains that even though Hugo Chávez's discourse was based on the creation of an armored economy against capitalism, the Chavista government was not able to establish a better system than the *oil rentier model*. Since the 1920s this has been the system that feeds and invigorates the Venezuelan economy. This rentier model based on the international oil market was strengthened during the Chavista ruling and it was made possible by the sustained increase of the oil prices. In fact, after 14 years of Chavista ruling, the oil prices were ten times higher than they were at the beginning of Chavez's first period in 1999. The scholar also argues "the oil rentier model differs from other modern economic models because the economic surplus does not come fundamentally from an internal production process, entrusted by the National State, but from "income" that is collected in international commercial circuits." (p. 305). This situation, along with the fact that the state controls this sector that represents approximately 96% of Venezuelan total exports, "causes ruling elites and bureaucracies to tend to become autonomous from society, to escape citizen control, producing tendencies towards inefficiency, corruptions and the implementation of ambitious projects (...)" (p. 305). This phenomenon, explained by Fernando Coronil (2002), is called the *Magical State* and was the same process that Venezuela went through in the 1970s during the first presidency of Carlos Andrés Pérez which was one of the factors that caused the economic crisis in the country during the 1980s that produced the first flows of Venezuelan emigration explained in Muñoz Bravo (2015).

The transformation between the previous rentier state and the one implemented by the 21st-century socialism, which López Maya (2016) describes as a rentier socialism model, is that in the latter there is a weakening of the private property in favor of an economy predominantly based on the common property. However, and by following López Maya's (2016) argument, "the production unities that work under the model of common property, principles of neither hierarchical organization nor differentiation between the manual and intellectual labor that are supposed to have a non-profit objective, languish until today with intangible results and keep depending on the financial support of the *petrostate*" (p. 307). This transformation caused an economic unbalance that increased the public expenditure to fulfill the growing social demands. Moreover, the Chavista government expropriated and nationalized an important amount of rural areas, and more controls –"suppressive for the productive system" (p. 305) -

⁴ Printing of money in absence of the precious metal reserves which the money represents.

were settled. This situation also caused the economic unbalance, particularly regarding the manufacturing sector that was reduced to half to what it was before Chávez's arrival and a decrease in the agricultural sector. Since then, Venezuela imports more than 65% of its food and manufacture products (Lopez, 2016), and the dependence on oil increased from 76% in 1999 to 96% in 2012 (BCV, 2012).

These economic measures were taken during Chávez's presidency from 1999 until he died in 2013. However, President Nicolás Maduro kept the same strategy until the end of 2018. The difference was that the latter faced a crash in the oil prices in 2014 that along with the decrease of Venezuelan oil production during the last years has deepened the crisis.

Finally, on the economic level various and complex factors such as hyperinflation, and food and medicine shortages have forced many Venezuelans to leave during the last years. These factors can be summarized as follows: 1. Falling oil prices in 2012 and 2013 and the lack of investment in the oil industry, which is the engine of the rentier state, as well as an increased dependence on this economic model and imports. 2. Foreign exchange control, price controls, and expropriations (planned economy measures). 3. Corruption and the implementation of the communal state of 21st-century socialism; and 4. The printing of money to deal with inflation.

Venezuelan migrants in Bogotá that were interviewed in May 2018 also identified the economic crisis as a motivation for them to leave.

It's not easy to see your wife crying for a week because we could not send the boy to the school because we did not have food for him to take to school or because we did not have money to pay the school monthly payment. Because imagine if the quality of private schools is terrible, imagine the quality in the public ones. (Emir, 28, transit migrant)

b) Political Crisis

According to Páez (2015), the imposition of 21st-century socialism, which would later continue to be implemented under the presidency of Nicolás Maduro, is one of the fundamental causes of Venezuelan massive emigration. Hugo Chávez assumed power in 1999 and introduced a participatory and protagonist democracy as part of the Bolivarian Revolution, in which people who until then had not been taken into consideration by the State would have more power and access to social benefits. A National Constituent Assembly was installed to change the constitution and the changes were approved by popular referendum; this marked the beginning of the V Republic in Venezuela. Chavez's policy was based on the implementation of social changes, and with the help of a record oil income during the 2000s, his government nationalized strategic industries, created the "Communal Councils" of democratic participation, and implemented a series of social programs called "Bolivarian Missions" to expand the access of

the most vulnerable people to the institutional offer of the State in terms of food, housing, health, and education.

Between 2002 and 2003, Chavez faced a failed coup d'état and an oil strike which resulted in the severe deterioration of the Venezuelan economy. Oil industry employees who participated in this strike were dismissed (approximately 15,000 employees). According to Paez (2015), those who supported the oil strike and their families were expelled and persecuted by the government, which is why many of them were forced to emigrate. These were highly qualified people in the oil industry. This point is very important because, as already explained, the oil industry is key to the Venezuelan economy. All these problems together with the lack of the implementation of an investment plan in the oil industry led to the deterioration of the most important economic sector of the *petrostate*. Venezuela had in 2018 its worst production of oil barrels during the last 30 years: 1,600 in January 2018 (OPEC, 2018).

As a result of the failed coup d'état and the oil strike, Chávez radicalized his policies. That is why since 2004 Hugo Chavez begins to implement the so-called socialism of the 21st-century. This ideological plan was characterized by the weakening and stigmatization of private property. Besides, it sought the destruction of the capitalist state by replacing it with the communal state (López Maya, 2016).

Significantly increased control and censorship of the media were other important changes in Chávez's policy after the failed coup d'état and the national strike. For example, in 2008 Chávez ordered the closure of a traditional Venezuelan television channel, RCTV, as its opinion programs were highly critical of the Chavista government. In addition, the Bolivarian government has expropriated both radio and television media and has threatened the few that were still private through different methods of coercion such as the monopolistic distribution of paper for written media, controlled by time, as explained by Páez (2015). According to the World Press Freedom Index (Reporters without Borders, 2018), Venezuela ranked 143 out of 180 countries in 2018.

Chávez's populist discourse was characterized by the polarization of society. He always referred to his opponents as enemies and used to address them without any respect using different defamatory terms (e.g. "oligarchs" and "pityyankees"). This created an environment in Venezuela in which those who did not agree with Chavez's ideas of transformation towards 21st-century socialism also began to emigrate. An example of this signaling of those who disagreed with the Bolivarian revolution is the following event. Venezuelan opposition collected signatures to organize a referendum to generate Chavez's resignation between 2002 and 2003. One year later, a Chavista congressman published the list with the names of around

2,400,000 people who signed it, this list was called the Tascón List. Afterward, the list was used as a political tool to dismiss public workers who had signed it (Hernández, 2018). This process coupled with the subsequent publication of the list on the internet led to dismissals of public workers, labor rejections, and marginalization from some public services against people who appeared on the list. Another reason for those dismissed to find themselves in the need to emigrate.

According to the Transformation Index (2016, p. 2) by the Bertelsmann Foundation, Venezuela's democratic system has become an autocracy: "Venezuela is no longer a hybrid regime; it is authoritarian, plain and simple." For example, during the 2015 National Assembly election, the opposition won the majority of seats in parliament. The special majority that the opposition deputies conquered made the Venezuelan opposition so powerful that it had the possibility to call for a recall to remove Nicolás Maduro directly and without collecting any signatures as established by the Constitution. Nonetheless, as a result of the coercion implemented by the Maduro government within the judicial branch, the Supreme Court declared that three of the elected opposition deputies were fraudulently elected. This made it impossible for the opposition to have this special majority in the parliament. Furthermore, in April 2017, the Supreme Court decided to seize power from the democratically elected National Assembly, which made the weakness of Venezuelan democracy and its institutions and the threat to the rule of law in Venezuela more evident. This situation, together with product shortages, insecurity, and the economic crisis forced Venezuelans to take to the streets for more than 100 days between April and July 2017. By repressing those protesting with the help of public police forces and the Bolivarian National Guard, Maduro showed once again his authoritarian behavior. This repression, which has been strongly condemned by the international community, caused 157 casualties and 1,413 injured. As a consequence of political instability and protests, Venezuelan prisons had approximately 235 political prisoners in 2018 (Foro Penal, 2018).

The fragility of Venezuelan democracy was also evidenced with the election of a National Constituent Assembly directly requested by Nicolás Maduro in May 2017, unlike the 1999 convocation that was enabled through a referendum. This 2017 election was criticized by members of the international community due to its conditions. For example, not all Venezuelan citizens could be candidates because different sectors, chosen by the Chavista government, had to be represented. In addition, Smartmatic, the company that provided the voting machines declared that the results were manipulated by the CNE (National Electoral Council).

These reasons, which clearly demonstrate that Venezuela has undergone a process of transformation towards an autocratic government after the implementation of the 21st-century socialism, have forced not only political opponents to emigrate, but also ordinary Venezuelans

who do not support the anti-democratic regime. These causes of migration were further confirmed by the empirical study of Paez (2015). Likewise, one of the Colombian returnees interviewed in Bogotá in May 2018 explained the following:

Because I was part of the Venezuelan resistance since 2002, and I was, by chance, a witness during the signature of the de facto government during the coup d'état in the same year, I had the feeling that I was always been followed. During my last years in Venezuela I openly opposed the regime and therefore, step by step, the government was cornering me, and they obliged me to sell my hair salon. I lost my customers and went bankrupt. That is why I came back to Colombia by following my daughter's advice. (Rafael, 50, Returnee)

c) Levels of insecurity

The acute social insecurity that the Caribbean country has been facing for years also represents a reason that has pushed millions of Venezuelans to leave the country. According to the Bertelsmann Foundation (2018, p. 28), "the 2016 Global Peace Index ranks Venezuela as the world's fourth-most-violent country, after Syria, Iraq and Afghanistan." For its part, the Consejo Ciudadano para la Seguridad Pública y Justicia Penal A.C stated in its 2016 ranking of the 50 most violent cities in the world, that Venezuela had at that time seven cities in the ranking (Maturín, Ciudad Guayana, Valencia, Barquisimeto, Cumaná and Barcelona) including Caracas which ranked first. In these Venezuelan cities, the indicators ranged from 47 to 130 murders per 10,000 inhabitants. To better understand what these figures mean, the World Health Organization considers a pandemic when the indicator is higher than 10 deaths per 100,000 inhabitants. According to figures from the Venezuelan Violence Observatory (2017), in 2017 there were 26,616 homicides, which positions Venezuela as the second most violent country worldwide. It is important to highlight that after Hugo Chávez came to power, the levels of insecurity in Venezuela increased. In 1998 there were 4,500 homicides, in 2003 11,342, in 2007 13,156, in 2011 19,336 and in 2013 24,736. (Paez, 2015, p. 248).

While the objective of this study is not to investigate the causes of this increase, it is striking how homicide levels skyrocketed after Hugo Chávez assumed the presidency in 1999. This demonstrates the ineffectiveness of the Bolivarian government to fight this reality that has forced many Venezuelans to emigrate. Mateo and Ledezma (2006) conducted a study with Venezuelan migrants in Spain in which almost all interviewees responded that their concern for personal insecurity in Venezuela was one of the main reasons why they left the country as well as economic and social factors. Paez (2015) also argues that during an empirical research that he conducted, interviewees said that they or their family members directly suffered a robbery, kidnapping, or violent aggression in the street, the subway, in a restaurant, at the beach, etc. The situation is so critical that many of them said "thank God it was just that" after narrating the experience. "They were robbed, hurt, raped, etc., but thank God nothing else happened"

(p. 240). On the issue of kidnapping, Paez's empirical research explains that some groups of friends in Venezuela created a kind of crowdfunding by hiding money in previously chosen locations to deal with a probable hostage situation.

During the field research in Bogota in May 2018, according to the perspectives of some of the Venezuelan migrants' interviews, insecurity was a crucial factor for leaving.

Insecurity was one of the factors, I was the victim of insecurity twice; I was almost killed because of a bag because I didn't let them take it. A very good friend of mine was killed when his cell-phone was robbed, so I was really affected by this. I can tell you what it is to lose a loved one for a cell-phone, you know? And nobody takes responsibility, and that's not easy. (Juan, 31, regular migrant)

In the beginning, I was very insecure about leaving but my boyfriend convinced me. The main reason was insecurity, the Faculty of Science (where she used to study) was well-known as insecure because whole classrooms were robbed, and I didn't want to go through that. Also, and this is what triggered the whole thing, almost one month before leaving, some police officers threatened my boyfriend with a gun in the Caracas subway because we reached them to tell them that some robbers tried to rob us and threatened us. (Eliana, 25, dual citizen)

2.1.2 Who has been emigrating and where? Analysis of the Venezuelan Emigration flows since 2003.

The first group that emigrated after Hugo Chávez took power was composed of bankers, captains of industry, and investors. They were motivated to leave the country by a critical environment that caused an oil strike in 2002 and an attempted coup d'état in 2003. Later, high qualified migrants (e.g. oil industry experts, doctors, professionals with masters, PhDs, etc. along with their years of experience) left Venezuela as well (Vicente, 2018). Between 2008 and 2012, Venezuelans with a second passport, a university degree, and families already abroad were those moving abroad. However, it takes off severely after Nicolás Maduro took office in 2013. During his administration, Venezuelans from all social strata have been forced to migrate as a result of an acute economic crisis, political repression, and a transformation process towards an autocracy. As Subero (2017) and Vicente (2018) argue, the current flow includes the “base of the pyramid” which indicates that more people will keep leaving the country, when compared to the first flows that were mainly characterized by economic and professional elites that represent a small percentage of the population. Vicente (2018) foresees that much more people than those who have already done it will emigrate. He also explains that the current flow represents an important social and humanitarian challenge for the receiving countries because these persons mainly move in an unorganized, unstructured, and irregular way.

Most Venezuelans have moved to Colombia where, according to the Colombian Migration Office (2018d), there were 1.032.016 Venezuelans by November 2018. It is important to mention that this amount does not include the returnees who are approximately 300,000 (World Bank, 2018). Colombia is followed by Peru, with over half a million, Ecuador over 220,000, Argentina 130,000, Chile over 100,000, Panama 94,000, and Brazil 85,000, among other destinations (UNHCR, 2018d). As it can be observed, the countries holding the majority of Venezuelans are in South America which gives us some important characteristics about the phenomena. On the one hand, it is mainly a south-south migration; in this regard, it is important to notice that most migrants from the Global South migrate to another developing country, rather than to the Global North (Carling and Talleras, 2016). On the other hand, these countries face considerable economic difficulties, which makes it more difficult for them to count on financial resources to tackle the crisis. Nonetheless, Venezuelans are not only migrating to other South American countries but also to the US. Indeed, according to the Migration Policy Institute, “Venezuelans are now the top group applying for asylum in the United States, with applications having surged nearly 170 percent in fiscal year (FY) 2016 compared to the previous year” (Páez, 2017).

Since this project focuses on the Colombian case because it is the nation receiving not only the highest amount of Venezuelan migrants but also an important flow of returnees, the Colombian migration patterns will be analyzed now to observe how this Andean nation had not experienced massive immigration flows, and it was, on the contrary, an emigration country, which makes the whole situation much more complex.

2.2 Colombian Immigration and Emigration Patterns

As many other countries in the region, during the 19th and 20th century the Colombian government adopted migration policies to attract Europeans to settle the country and “improve the race” and in some specific cases to contribute to the entry of paid workforce (Mejía Ochoa, 2012, p. 186). According to Carvajal (2017), two waves of Jewish migration to Colombia occurred between 1830 and 1938. These flows represented an important contribution “to regional financial sectors through trade and business.” Germans also migrated to Colombia in the mid-1800s, and by the early 1900s, they were responsible for the revitalization of different agricultural and banking industries. Even when different European groups such as Germans, English, Italian and French, as well as Jews, Syrians, Lebanese, Japanese, and Chinese among others moved to Colombia in the first half of the 20th century, the Colombian government efforts in the 1950s to attract international migration failed as a result of political instability (Castles, 2014).

This low trend of immigration flows continued until the recent dramatic increase in Venezuelan immigration flows.

Regarding Colombian emigration flows, the picture is completely different. As Mejía Ochoa (2012) points out, after the second half of the 20th century, international migration began to play an important role in Colombia, specifically emigration flows to Venezuela, Ecuador, and the United States as a result of “lack of jobs and economic opportunities, and the armed conflict” (Carvajal, 2017). As stated by Marmora (1976), between 1963 and 1973, 556,683 Colombians emigrated. In the beginning, these flows were composed of peasants and low qualified migrants. After the 1970s, an increase of departures of high qualified migrants and technicians was shown, especially to the US and other no-neighbor countries. The main drivers of these flows were unemployment, low wages, and the few opportunities in Colombia (Marmora, 1976). Later, at the end of the 20th century, Spain became an important destination country for Colombians as well. These dynamics finally configured the Colombian Diaspora mainly in Venezuela, the United States, Ecuador, and Spain.

Colombia has also dealt with important internal displacement issues. According to the UNHCR (2019), Syria is right now the country with the highest number of refugees out of its borders with 5.6 million forced migrants. However, according to the same UN Agency, Colombia is the nation with the highest group of internal forced migrants with 7.6 million (UNHCR, 2018a), more than 15 percent of the national population. Furthermore, it is estimated that hundreds of thousands of Colombians are living abroad as refugees, especially in neighboring countries. The root causes of these migration flows have been the armed conflict in Colombia among the state, the guerillas, the paramilitary groups, and drug cartels that has last over 50 years. The challenges and opportunities this internal displacement issue represents in the context of the Venezuelan migration crisis will be further explained in section 5.1.7.

2.2.1 Colombian migration to Venezuela

Colombia and Venezuela share a 2219 km border which has been one of the most active in the Americas with free circulation (Colombian Migration Office, 2018a); thus, there have always been not only exchanges of goods between the two nations that were once united in the same nation-state called Gran Colombia, but also the mobilization of people. Contemporary migration between both countries started in the second half of the 20th century when Colombians migrated to Venezuela attracted by the oil boom and searching for better living conditions, especially during the 1970s, when approximately 1 million Colombians (Carvajal, 2017) moved to the neighboring country.

According to Mejía Ochoa (2012), when describing the Colombian migration to Venezuela, there was a significant increase of 178% between 1971 and 1981 that began in the second half of the prior decade. This cross-border migration was incentivized by the lack of labor, specifically agricultural, in the Venezuelan border zones, and was mainly constituted by peasants. Moreover, the nationalization of the Venezuelan oil and steel industry that gave the Venezuelan state an important amount of resources created sustained economic growth in the context of a stable democracy since 1958. This economic growth and political stability created a demand for workers. As a result, Venezuela hired between 900,000 and 1 million people to support its burgeoning economy. In October 1977, “Venezuela already had 1.2 million foreigners working within its borders, 60% of them were Colombians.” (Prasca, 2011, p. 23) Notably, the Colombian and Venezuelan governments signed in 1944 the Tonchala Agreement which provided better guarantees for Colombian immigrants to Venezuela, regularizing their situation (ibid). These drivers, along with Venezuela’s proximity to Colombia, and relatively similar cultural practices provided the perfect scenario for many Colombians to seek upward mobility for themselves and their families in Venezuela.

Despite the economic slowdown during the 1980s, which caused a period of recession, Colombian migration to Venezuela maintained a steady rate of growth. Nonetheless, there was also an episode of sharp deceleration. (Polo Alvis et al, 2018, p. 33) In the 2000s, a new flow of Colombian migrants to Venezuela can be identified as caused by the “perception of insecurity produced by the armed conflict and its related elements” (Palma, 2015, p. 11), and “the economic and social deterioration experienced throughout the 1990s” (Polo Alvis et al, 2018, p.34). Moreover, Venezuela had an economic strong income as a result of the high oil prices between 2005 and 2012 that were invested in social programs in which Colombians could also participate. This driver also attracted Colombians to the neighboring country. Hence, between 2000 and 2011 a total of 721,791 Colombians were officially living in Venezuela, and in 2015 there were 799,796 Colombians in Venezuela. (ibid, p. 35). This figure is probably much higher since many Colombians were irregular in Venezuela.

The Colombian diaspora in Venezuela has had a high representation in the country during the last 20 years regarding the population of migrants. In 2011 Colombians represented 70 % of immigrants in Venezuela (Polo Alavis et al, 2018).

The massive return of Colombians begins after 2015 when President Nicolás Maduro ordered to close the border, and deported 2,000 Colombians “under the pretext that they were part of criminal and espionage networks operating in Venezuela to harm the Maduro government” (Mijares and Rojas, 2018). As a result of this crisis, around 21,000 Colombians returned in this period.

2.2.1 Venezuelan migration to Colombia

According to Carvajal (2017), even though Colombians have been migrating to Venezuela since the 1970s, there was a change in migration patterns in which Venezuelans started to migrate to Colombia after 2004. These Venezuelan migration flows to Colombia can be divided into four waves with different social characteristics. The first wave was formed by oil industry professionals as a consequence of the firing of approximately 20,000 Venezuelan workers from the Venezuelan oil company *Petróleos de Venezuela* (PDVSA) after a strike in 2002. As a result, by 2008 between 500 and 600 Venezuelans were working in the Colombian oil industry (Salazar, 2008). Many of them were also attracted by the reforms passed by former President Uribe such as the creation of the National Hydrocarbons Agency (*Agencia Nacional de Hidrocarburos*), and other policies implemented that offered favorable conditions for national and foreign investors (Robayo, 2013).

A second wave, that started in 2010 and intensified in 2011, “included Venezuelan executives and investors seeking to protect their assets from rising inflation, currency devaluation, and state nationalization policies.” (Robayo, 2013, p. 2) As a result, they founded companies in Colombia due to its geographical proximity, a shared language, the similarity of the cultural traditions, and a similar consumer pattern (ibid).

The third wave was composed of professionals and students that migrated as a result of the anti-government protests in 2014. (Carvajal, 2017) Even though the Venezuelan flows to Colombia started to increase after 2004, Colombians also kept moving to Venezuela for different reasons. According to the Colombian Migration Office (2017), in 2012 there was a flow of 489,559 Venezuelans divided by 251,475 that entered Colombia and 238,084 that left. Regarding Colombians moving between the two countries, the Colombian Migration Office (2017) reported 475,007 leaving Colombia and 400,009 entering through the four official checkpoints that existed at the time located in La Guajira, Norte de Santander, Arauca, and Vichada. In 2013 a new checkpoint in Guanía was created and during this year, 510,264 Venezuelans entered and left Colombia through the five different official border controls. 261,343 entered the country and 248,921 left. According to the same source, in 2014 the figures remained more or less the same until 2015 when the situation dramatically changed and the most recent wave of Venezuelan migrants and returnees to Colombia began.

According to the World Bank (2018), the current migration crisis began in August 2015 when the fourth and most critical flows of both Venezuelans and Colombians returnees by considering the number of migrants and the velocity of the phenomena started. Back then, president Nicolás Maduro ordered to close the Venezuelan-Colombian border, and the deportation of

over 2,200 Colombians (Colombian Migration Office, 2017) after “accusing them of causing shortages by smuggling goods across the border” (Carvajal, 2017). Moreover, as a result of the state of emergency declared in Venezuela, Colombians and Colombo-Venezuelans returned voluntarily to Colombia. Once the border was reopened in July 2016, approximately 200,000 people moved to Colombia to buy food and medicines, as well as to have access to health services no longer available to many in Venezuela” (Carvajal, 2017). Besides, “more than 18,000 Colombians returned to Colombia.” (Colombian Migration Office, 2017).

Official data shows an uptick in the number of arrivals from Venezuela. Some 379,000 Venezuelans entered Colombia in 2015, in comparison to the 251,000 that did it in 2012. While most were temporary stays, a growing number have remained, with almost 67,700 Venezuelans who entered in 2016 remaining, in comparison to 13,500 that did it in 2012. Applications for permanent residency have more than doubled since 2012, increasing from around 7,000 to 15,500 in 2016. According to the last census conducted by the Colombian Migration Office in 2018, there were in Colombia 1,235,593 Venezuelan migrants and returnees, and in the same year, 282,180 Venezuelans requested asylum in Colombia (World Bank, 2018).

a) Understanding the drivers of Venezuelan migration to Colombia.

Regarding the reasons why the main country of destination for Venezuelans is Colombia, one has to take into consideration the following factors. Firstly, proximity and the fact, as it was already explained, that Venezuela and Colombia share the most active border in the Americas with seven official checkpoints and more than 100 informal ways to cross the border through a variety of landscapes that are cut by the borders such as rivers, deserts, rain forests, and mountains. As a result of the complex geographical characteristics of this border and to avoid irregular migration, Colombia has kept its borders open (World Bank, 2018). Therefore, for those that cannot pay for flight tickets to other destinations, going to Colombia by bus or even by foot is the best option. Secondly, because of the significant Colombian migration to Venezuela since the 1970s, many of those returning hold Colombian citizenship and believe that, as a result, it might be easier to settle in the neighboring country. Thirdly, many Venezuelan migrants see Colombia only as a transition country to make some money before keep moving to Ecuador, Peru, Chile, or Argentina. Fourthly, even though it has been already explained that the main three root causes of Venezuelan migration are the economic crisis, insecurity, and political persecution, the current wave of Venezuelans migrating to Colombia is mainly composed of people escaping a humanitarian crisis. As a result, many of them mobilize to Colombia only to buy food or get medical attention; this is what is known as “pendular migration”. Another driver is the cultural proximity between the two nations evidenced by the shared language, the similarity of cultural traditions, and similar consumer patterns (Robayo, 2013).

b) Characterizing the Venezuelan migration flows to Colombia.

As it has been observed, not all Venezuelan migrants want to remain in Colombia, therefore, four different categories of migration can be taken into consideration to have a better understanding of the complexity of the phenomenon. These categories were defined by the Colombian Migration Office (2017): *pendular migration*, *regular migration*, *irregular migration*, and *transit migration*. In 2018 the category of *returnees* was also included in the Colombian Migration Office reports when describing and analyzing the phenomenon.

Firstly, we find the category *pendular migration*. According to the Colombian Migration Office (2017), this type of migration is represented by those who inhabit the border zones and move daily between the two countries (Colombian Migration Office, 2017). This group of people can register different in and out-movements per day throughout one border control. After the returnee crisis in 2015, and to control who are those who belong to this group, the Colombian government created in 2016 the *Tarjeta de Movilidad Fronteriza* (Border Mobility Card). Those who carry this card can only enter certain authorized border zones by the Colombian Migration Office. In 2016, 632,673 Venezuelans had the card. As the Colombian Migration Office indicates, 56% of them cross the border to buy food; 17% use the card to visit relatives, and 8% have it for tourism, among other reasons. By March 2018 1,624,915 people carried it, and 63% of them pointed out that they live in a border zone. 45,000 people use this card daily to cross the border and buy food, medicine, and to have access to education or health services. This group of people returns to Venezuela. (World Bank, 2018).

The second category used by the Colombia Migration Office is *regular migration*. This international migration flow is composed of those who cross to Colombia with a passport through a migration checkpoint and comply with the requirements of migration authorities. Once a person enters Colombia, he or she obtains permission to be in Colombia legally just for 90 days. Before this period expires, they can get an extension for another 90 days. This category also includes the migrants with student or working visas. By September 2018 there were 468,428 Venezuelans in Colombia under regular conditions, whereas 361,399 were in the process of regularizing their stay (World Bank, 2018).

Thirdly, we have *transit migration*. According to the Colombian Migration Office, an important percentage of Venezuelans enter Colombia to move to other destinations. This dynamic is not only maintained but has also increased. The main destinations are Ecuador, United States, Panama, Peru, and Chile (Krüger, 2017, Director Colombian Migration Office). For instance, in 2016, 32,811 Venezuelans crossed from Colombia to Ecuador. In 2017, this figure changed to 229,674, and up to March 2018, 228,380 Venezuelans crossed to Ecuador through the

Rumichaca border control (Colombian Migration Office, 2018a). Besides, during the first nine months of 2018, 724,036 Venezuelans used Colombia as a transit country (World Bank, 2018). For this group of people the Colombian state created in November 2018 the *Permiso Temporal de Permanencia*, Temporal Permission to Stay (PTP), so that they can be regular in Colombia for 15 days before they continue moving to the next destination country.

The fourth category is *irregular migration*. The states in the region require Venezuelans who want to cross the border regularly to hold the Venezuelan passport. Nonetheless, many of these migrants do not hold this document. As a consequence of the acute economic crisis in Venezuela, there is a shortage of materials to provide passports; thus, the process in Venezuela to obtain them can last between six months and one year, or more, and it is too expensive for many Venezuelans facing an acute economic crisis. Moreover, the Venezuelan-Colombian border is very porous, with approximately 2,000 Km in which there are only seven official migration checkpoints and hundreds of irregular paths. Pushed by the humanitarian crisis, they are forced to leave without documents and find irregular ways to migrate. In addition, more than 153,000 migrants were irregular in Colombia because their permission to stay there for 90 days had already expired, and approximately 50,000 more were about to reach the expiration date by August 16, 2017. (Colombian Migration Office, 2017)

By considering this situation the Colombian government created the *Permiso Especial de Permanencia*, Special Permission to Stay (PEP), an instrument that regularizes their condition by allowing them to enter the formal Colombian labor market. This measure was taken not only by considering the number of migrants under these circumstances but also because if they are in an irregular condition some people take advantage of this situation to exploit them (ibid). The granting of the PEP can be divided into three stages by 2018. The first one began in July 2017, when the Colombian government created the PEP through Resolution 5797. In this document, it was established that those Venezuelans who entered Colombia before the publication of this document (25.07.2017) and had their passport stamped, would have 90 days to obtain the PEP which will allow them to have access to the Colombian institutional labor, health, and educational services, to open a Colombian bank account and regularize their migration status. Furthermore, the document explains that the PEP has a length of 90 days that can be extended for two years. Up to June 7, 2018, 181,472 PEPs were issued according to the Colombian Migration Office (2018b). The requirements to obtain the PEP are: 1) To be in Colombia at the time of the publication of this resolution, 2) To have entered Colombia through a Migration Border Control with a stamped passport, 3) Not having national or international judicial records, 4) Not facing current expulsion or deportation measures.

The second stage of the PEP began with the creation of the *Registro Administrativo de Migrantes Venezolanos* (RAMV), Administrative Register of Venezuelan Migrants, through the publication of the Decree 542. This tool was created as a base for “the design of an integral policy of humanitarian attention” (Decree 542, p. 1). The RAMV was created to have a register of Venezuelan migrants, to obtain more information about the phenomenon in Colombia. The register started on April 6, and it was conducted for two months by the *Unidad Nacional para la Gestión del Riesgo de Desastres* (National Office for the Management of Disasters’ risk). After finishing the RAMV, the Colombian government issued a new Decree (1298) on July 25, 2018, in which it was established that the 442,462 Venezuelans that were irregular in Colombia and were registered during the RAMV could obtain the PEP.

The third stage of the PEP began on December 27, 2018, and migrants that entered Colombia before December 17, 2018, could apply for it. By September 2018, there were 105,766 Venezuelan irregular migrants in Colombia (World Bank, 2018)

Finally, the last category that makes the phenomenon more complex is the *returnees*. According to the IOM (2011) Glossary on Migration, “return” is:

the act or process of going back to the point of departure. This could be within the territorial boundaries of a country as in the case of the return of internally displaced persons (IDPs) and demobilized combatants; or between a host country (either transit or destination) and a country of origin, as in the case of migrant workers, refugees, asylum-seekers, and qualified nationals.

What makes this migration crisis so particular is that not only are Venezuelans migrating to Colombia but also that Colombians that moved to Venezuela in the second half of the 20th century are returning. As it was already explained, during the last four decades approximately 1 million Colombians moved to Venezuela (Carvajal, 2017) in search of upward social mobility and escaping the armed conflict. Those Colombians not only settled down in Venezuela but also had families, got married, and had children. Many of their offspring as well as the spouses obtained Colombian citizenship and are dual-citizens; many of them belong to those who are returning.

As it has been already explained, in 2015 President Maduro deported 2000 Colombians, and this tension forced many other Colombians to return (approximately 20,000). According to the Colombian Migration Office, more than 300,000 have returned since then, which also highlights how heterogeneous the migration flow towards Colombia is (World Bank, 2018).

Even when there are different plans to help the Colombian returnees such as *Colombia nos une!*, these policies were not created under the specific circumstances of the Venezuelan migration crisis but for Colombian returnees in general. Especially for those that studied abroad.

Therefore, in Chapter 5, I will explain how the Colombian state is helping returnees to resettle in Colombia and if there are any specific policies for them since they are over 300.000 people (World Bank, 2018) without taking into consideration those that have not registered their entrance yet since they made it through an irregular way.

Table 1. Venezuelan Migrants and Colombian Returnees up to September 2018.

Type of migrants	September 2018
Returnees	300,000 +
Regular	468,428
In process of regularization	361.399
Irregular	105,766
Pendular	45,000
Transit	724,036
Migrants pretending to stay	1,235,593

Own elaboration with data from the Ministry of Foreign Affairs, Presentation of Venezuelan Migration in Colombia, September 2018 (World Bank, 2018, p. 51).

3. Theoretical Framework

First, the following chapter mentions the most important studies conducted by 2018 concerning the change of the Venezuelan migration patterns, and the Venezuelan migration crisis in Colombia. Then, the theoretical discussion between *social transformation*, *social change*, and *migration* is introduced. This is important for this study since, on the one hand, the root causes of the massive Venezuelan flows during the last years can be related to a social transformation process after the arrival of Hugo Chávez in 1999. On the other hand, this transformation located in the economic, political, and insecurity level realms has been causing unprecedented migration flows that are generating a transformation in the Colombian institutions and the Colombian migration regime. Afterward, the text brings the concept of *migration regime* into the discussion to use it as an analytical tool to study the (trans)-formation of the Colombian migration system. Then, the chapter discusses the *liberal paradox*, namely, the tension liberal states face between defending migrants' human rights and increasing securitization measures to defend their citizens. I use the *liberal paradox* as an umbrella theory to check its applicability in the Colombian case.

3.1 State of the Art

Even when the Venezuelan migration phenomenon has been well covered by the media in Venezuelan and Colombian newspapers, in academia there are still not enough studies available concerning this human mobility phenomenon, since it is recent. In this regard, we can establish that it is also a *sui generis* case due to three factors. Firstly, Venezuela had never expelled so many citizens in its 200 years of Republican history. By 2018, the number of Venezuelan refugees and migrants has reached 3 million; this represents 10% of the Venezuelan total population. Out of them, 2.4 million refugees and migrants are in Latin America and the Caribbean (UNHCRd, 2018d), which represents a significant challenge for a region that already faces various political, economic, and social problems. Secondly, Colombia was predominantly an emigration country that never received so many migrants. Thirdly, the number of Colombian returnees coming back to Colombia along with the challenges that this implies for both the Colombian state and the returnees makes the case again unique in the region.

Regarding research about the recent Venezuelan emigration phenomenon, there are different studies available. The Venezuelan sociologist Tomás Páez (2015) published the book *La voz de la diáspora venezolana* where he sheds light on the drivers of Venezuelan migration and studies the perspectives of different Venezuelan migrants in Latin-America and Spain. The

works done by Freitez (2011), Muñoz Bravo (2016), Osorio (2011), Mijares and Rojas (2018) discuss the shift of Venezuelan migration from an immigration to an emigration country, its drivers, and the latter its impact for the South American region.

Concerning the Venezuelan migration in Colombia, we can find the works done by Mejía Ochoa (2012) where a broad view of the Colombian emigration and immigration flows is given. Robayo (2013) sheds light on the social characteristics and drivers of migration for a variety of Venezuelan migrants from 2004 until 2013. These studies were conducted from 1999 until 2013 when the numbers and vulnerability of the migrants were not as critical and consisted mainly of economic migrants. As most recent works one finds Carvajal (2017) from the Migration Policy Institute. In this short analysis, the current migration challenges for the Colombian state are explained, not only in regard to the Venezuelan flows but also the internal displacement issue that still represents a series of challenges even after the signing of the Colombian peace agreement.

An important Colombian academic group that has been advising the Colombian state in the construction of the new migration policy is the “Observatory of Venezuela” from University del Rosario. This group is currently working with different Colombian scholars to provide the Colombian state with the necessary public policy instruments to tackle the migration phenomenon in Colombia (Rodríguez, 2018). This observatory is directed by Francesca Ramos (international affairs expert) and counts with the collaboration of Ronal Rodríguez (international affairs expert) and María Clara Robayo (migration expert). This group created a radio program called “*Esto no es una frontera, esto es un río*” (This is not a border, this is a river) where different topics concerning the Venezuelan crisis and its impact in Colombia are constantly discussed with both Colombian and Venezuelan experts. The most recent academic work conducted by this observatory in cooperation with the Konrad Adenauer Foundation is called “*Retos y oportunidades de la movilidad humana venezolana en la construcción de una política migratoria colombiana*” (Challenges and opportunities of the Venezuelan human mobility in the construction of a Colombian migration policy). In this comprehensive report, they not only explain the challenges and the opportunities for Colombia in the context of the Venezuelan migration crisis but also propose instruments and strategies to be included in the Colombian migration policy in different social areas such as health, education, and labor. According to the experts, this document is the result of interviews with migrants and social leaders, as well as different academic meetings with more than 80 migration experts. The document was given to the Colombian chancellor and the Colombian government’s representatives. Since this document will be part of the empirical analysis, further detail about its content will be given in Chapter 5.

Another useful document to analyze the Venezuelan migration crisis in Colombia is the report done by the World Bank that was published in November 2018. This report is especially important for this thesis since its creation was requested by the Colombian government and because it was examined and discussed by members of Iván Duque's⁵ working group (p. 13). This document aims to “determine the social, sectorial and economic impact that the sustained migration of people from Venezuela is having in Colombia, particularly in the main receiving municipalities” (p. 13). As with the previous report, more detail about its content will be given in Chapter 5. Since the current phenomenon of receiving such a large number of migrants is new for Colombia, comprehensive academic studies apart from those previously mentioned were not found during the research. This fact also highlights the necessity of conducting both theoretical and empirical studies about it. Thus, theoretical approaches which are not intrinsically related to the Venezuelan case but are useful to gain comprehension of this new phenomenon will be used.

3.2 From Social Transformation in the Origin Country to Social Change in the Migration Regime of the Destination Country

The relation between migration and social transformation in different levels and in both emigration and immigration countries has been studied by different scholars (Portes, 2010; Castles, 2015; Faist et al, 2018; Munck, 2009). For instance, Castles (2015) argues that *social transformation* can be defined in contrast to social change as:

[a] shift in social relationships so profound that it affects virtually all forms of social interaction, and all individuals and communities simultaneously. It is a ‘step change’ that goes beyond the normal processes of change that are always at work (p. 4).

According to Sales (2012), the shift of a collective economy towards a capitalist economy in China as well as many former Soviet states are examples of profound change.

“The driving factor in such a change may appear to be technology, economics or military power. But characteristic of such epochal shifts is that simultaneous transformations occur in culture, social relationships, social institutions (such as the family), personal and community identities, ideologies and politics” (Castles, 2015, p. 4). The beginning of market liberalism and the subsequent emergence of a global labor market were also crucial for a global social transformation, in particular concerning the analysis of international migration (Castles, 2015).

⁵ Iván Duque is the President of Colombia since August 7, 2018.

On the one hand, global macro-economic or political changes can be related to push and pull factors. For instance, “in Mexico, the destruction of peasant agriculture through free trade and multinational agribusiness is a key example of commodification that is at the root of much emigration” (Castles, 2015, p. 7). On the other hand, “institutions are shaped by international migration” (Faist et al, 2018). By considering these ideas, and as seen in section 2.1.1, this text argues that in Venezuela it was not only neo-liberal measures (as Castles, 2015, indicates in his examples) that are causing the current flows but also that there was a social transformation as a result of the application of 21st-century socialism that caused the economic and political root causes of the current migration crisis. The Venezuelan case is interesting because the root causes are linked to other factors such as the strengthening of the rentier state and the application of planned economy measures combined with corruption. However, since root causes of Venezuelan migration are not the core part of the research question but the Colombian state management of the Venezuelan migration flows, the text will focus on how these Venezuelan migration flows, which were caused by a social transformation in Venezuela, are causing a social change or an institutional transformation in Colombia.

Faist and colleagues (2018) explain that institutional transformation takes place in destination countries when “new discourses emerge and migration policy changes” (p. 288). According to the scholars, migration can even lead to the creation of new institutions as was the case of the foundation in 2004 of the EU border agency Frontex to “protect EU borders more efficiently from irregular inflow of migrants” (p. 289). In the Colombian case, the Venezuelan migration flows have also had an important impact on the transformation of the Colombian institutions. Especially when considering that Colombia was not an immigration but mainly an emigration country with significant internal displacement issues. In this regard, Colombian migration experts and representatives of the Colombian state have expressed on many occasions how the Venezuelan migration crisis “has put in evidence the absence of an “integral” migration policy in Colombia” (Ramos et al, 2018). This means that the migration laws and policies need to be improved and transformed. The Venezuelan migration and the changes produced in Colombia highlight that international migration triggers institutional transformations as argued by Faist et al (2018). Indeed, in 2018 the Colombian state created the *Gerencia de la Frontera* (Border Management Office), a new institution whose work is based on improving coordination and articulation, not only among national institutions but also between them and more local ones. In addition, this office’s objective is to centralize efforts to gather international cooperation aimed at addressing migration, work with host communities and develop strategies for public policy decisions. (World Bank, 2018) More institutional transformations in Colombia as a result of the Venezuelan migration crisis will be observed in more detail in Chapter 5.

As a result of the dramatic Venezuelan flows to Colombia, a country with no previous massive immigration management experience, this study argues that the (trans)-formation of the Colombian migration regime is taking place as a result of the high pressure produced in the Colombian institutions due to the Venezuelan migration phenomenon and its characteristics. Both the Colombian state and the Colombian experts agree on the idea that Colombia needs better migration laws and policies to face not only the Venezuelan migration crisis but also the opening of Colombia to the world in an increasingly more globalized country. In other words, a new *migration regime* is necessary. This concept encompasses the different actors that are involved or have a sort of agency in the formation of these new laws and policies.

Pott et al (2018) explain that when an agency-based approach to migration regimes comes into play, the term should be approached “not as a detectable entity or institution but as a model to describe and to understand a complex and decentralized power formation” (p. 44). For them, “the heterogeneous connections between the actors involved are the key elements of a migration regime’s formation.” Therefore, they suggest focusing on the meso-level zone of power formation by including a first layer or micro-level (migrants’ experiences, agency, patterns of mobilization, “intend to move, passport regimes, the fact of being called a migrant or a refugee” (p. 46), etc.; and a second layer or macro-level (institutions’ norms, values, structures, etc.), that include a much higher proportion of institutional actors, from governments to state administrators to NGOs. (p. 46). As the scholars explain, the first two layers are supplemented by a third layer, namely, *tertiary practices*. These practices are the so-called transnational practices. This last layer will not be taken into consideration in this study due to time constraints. The authors are convinced of the idea that layered analysis “allows a precise approach to the complex relationship between migration movement and regulation through the concept of *migration regime*- without positivist or integrationist bias” (p. 44). By considering the complexity of carrying out such an analysis in a multi-level approach, it is important to explain that this approach will not be used as a base to answer the research questions, I use it as a tool that helps me make sense of the interactions taking place in the transformation of the Colombian migration regime. These interactions that surged from the necessity of the transformation of the Colombian migration regime will be analyzed in section 5.4. Castles (2012) also explains that when doing migration studies, it is vital to research the “human agency” of migrants and the way this agency interacts with macro-social organizations and institutions. This requires research that includes the perspective of different actors, as well as qualitative studies to “understand processes and their social meanings” (p. 22). Thus, even though the core of the analysis is the Colombian state, the perspectives of other actors such as the migrants themselves and the Colombian experts will be also included.

3.3 Liberal Paradox: Security vs. Human Rights

Faist (2004) discusses that the change in the institutions as a result of immigration can be explained with the nexus between migration and security. When discussing migration regimes, Pott et al (2018) point out that “the turn toward securitization in the aftermath of the terrorist attacks on 9/11 has only amplified this tendency and split the primarily internationally or even globally rooted migration regime into an ever growing number of national regimes” (p. 33). In the Colombian case, however, this securitization showed up not only in official public speeches by former president Santos in February 2018, but also in the measures taken towards the Venezuelan migration, is not linked to the 9/11 events but to a very complex historical context in Colombia related to the need for security in the framework of an armed conflict that the country has experienced over the last 50 years, and due to the high level of irregular and organized crime groups in the border areas.

The last Colombian conflict (1948-2017) implied a constant introduction of security measures to pacify the country. Those measures were designed more to protect the internal order than the fear of foreign threats. It means that a special focus on the security of the country came from internal enemies of the national government. The main desire of a vast part of the Colombian population was peace in rural and urban areas. After the period called “*La Violencia*”, for instance, the population legitimized an anti-democratic system to recover a “peaceful” period (Mesa García, 2009), nonetheless, the injustice and the systematic causes that produced the conflict were maintained. This procedure of the Colombian population never disappears, since the conflict is still going on. Moreover, this long conflict implied a constant internal displacement from conflict zones, mostly rural, to the secure cities. Hence, local governments always had the maintenance of security as their most important goal. With the arrival of the Venezuelan migration flows, one of the main preoccupations of the society is to maintain recently reached levels of security. The role international anti-terrorist schemes or policies played in terms of security in Colombia was low, and it allowed an intersection of national and international interests that the government exploited to obtain more resources for the existing war against guerrillas and drug cartels.

After the nexus between migration and security has been explained, it is useful to present a theory that connects to this idea: the “liberal paradox” (Hollifield, 2004). This term will be now used as an umbrella theory to better understand the processes that are taking place in Colombia at the level of the state to deal with the current Venezuelan migration phenomenon.

As the IOM (2018a) explains in its introduction to the definition of Border Management, the intersection between mobility and security challenges governments in the area of migration

policies since they need to “find a balance between competing and seemingly conflicting priorities” (p. 1). These priorities that collapse with each other are, on the one hand, the potential of migration to “promote economic growth and social development through skills, dynamism, and innovation that migrants bring” (p. 1) and, on the other hand, the state interest of “safeguarding national security and combating transnational crimes such as trafficking, smuggling, and terrorism” (p. 1). According to the IOM (2018a), instead of competing with one another, they should reinforce each other mutually. The IOM (2018a) also points out that “the core body of international human rights law is critical to promoting more dignified, orderly and safe movement across borders. This is especially important to protect the human rights of migrant populations during crisis situations”. (p. 2)

In academia, this discussion or tension has also taken place. Faist (2018) defines *world moral polity* as the series of international conventions that sovereign nation-states have signed to defend human rights. However, this is not always the case, especially when it comes to defending the rights of forced migrants and refugees. Based on defending their citizens through securitization of their borders, liberal-democratic states find themselves in a problematic tension between two forces/ideas, particularly because many of those international conventions and resolutions are not binding. In law studies, these are known as soft laws since they are not as strong as traditional laws.

According to Hollifield (2004), the tension between the desire of liberal states of protecting their borders from migrants to defend their citizens “who are seen as an economic, cultural and human risk”, and international human rights which has as a goal to protect all humans without taking into consideration their citizenship, is called the “liberal paradox”. This tension can also be observed in welfare states – “between the social rights of their citizens and liberalized trade and the deregulation of labor regulations” (Chimienti, 2017, p. 1). Faist (2018) highlights that these tensions create a “cognitive dissonance”. By this, he means that in the context of the refugee crisis in Europe, states look for an excuse to avoid the responsibility they took when they signed the international conventions on human rights and externalize it. To do so, they “[identify] (the majority of) forced migrants as “illegal migrants”” (Faist, 2018, p. 415).

The “liberal paradox” by Hollifield (2004) was mainly thought of in a European and US-American context by first considering the flows of guest workers to the liberal states such as Germany or France to comply with the labor demand their liberal economies needed. However, some of these states forgot that they were not welcoming workers but human beings with rights. Unlike goods or capital, migrants (human beings) can and do acquire rights, particularly under the aegis of the laws and constitutions of liberal states, which afford migrants a measure of due process and equal protection (Hollifield, 2004). In this context, the initial reaction of

governments was to stop further workers migration and prevent family reunification. However, this was not possible, and these liberal states had to accept that large numbers of guest workers and their families will stay and settle, this caused that “most governments redouble their efforts to stop any future immigration” (idem, p. 896). Due to the crisis of integration in some of these countries, control of immigration was intensified, not only in Western Europe but also in the United States and Australia. “However, in the face of these political pressures, it is important to note the pervasive and equally powerful rights-dynamic in the liberal democracies. Rights for minorities and foreigners were deeply embedded in the jurisprudence and the political culture of these societies, helping to blunt the impact of nativist and xenophobic movements” (idem, p. 897). Despite the enormous pressures on the asylum process that were built in the last two decades of the twentieth century, European democracies maintained a relatively strong commitment to the 1951 Convention and the international refugee and human rights regime. In the 1980s and 90s, asylum-seeking became the principal avenue for entry into Western Europe, in the absence of full-fledged legal immigration policies and in the face of growing fears that large numbers of asylum seekers would undermine the refugee regime and destabilize European welfare states.

Nonetheless, according to Hollifield (2004), the real problem begins in the mid-1990s with the resurgence of ethnic nationalism, “by war in the Balkans and by the dramatic increase in the number of refugees from almost every region of the globe” (p. 899). This was so dramatic that indeed the UNHCR became almost from one day to the other one of the most important international agency. Against this backdrop, western democracies struggled to contain a wave of asylum seekers and most of the petitions in both Western Europe and the United States were rejected. In addition, in the following years, policy change in these regions went into further restriction (Hollifield, 2004).

In the context of globalization Hollifield also asks if:

(...) states have found ways of escaping from the liberal paradox, or are they still caught between economic forces that propel them toward greater openness (to maximize material wealth and economic security) and political forces that seek a higher degree of closure (to protect the demos, maintain the integrity of the community, and preserve the social contract)? (p. 900)

Finally, Hollifield (2004) proposes regional integration as a likely solution for the liberal paradox. He argues that regional integration, especially when it has a long history and is deeply institutionalized as it is in Europe, makes it easier for states to risk trade and migration and for governments to construct the kinds of political coalitions that will be necessary to support and institutionalize greater openness. Nonetheless, we must take into consideration that this text was written in 2004 prior to the 2015 refugee crisis in Europe that has again put into question

the capability of Europe to manage migration and refugee “crisis.” In this regard, he finishes his text explaining that if liberal states work together “to manage this extraordinarily complex phenomenon, it may be possible to construct a truly international regime, under the auspices of the United Nations” (p. 905). However, he also stated in 2004 that he was not hopeful about this regional cooperation because the asymmetry of interests, particularly between the developed and the developing world, is too great to permit states to overcome problems of coordination and cooperation. Even as states become more dependent on trade and migration, they are likely to remain trapped in a liberal paradox for decades to come” (p. 905).

At the end of his text Hollifield briefly discusses the situation in Asia, Africa, and the Middle East. Regarding Latin America, he briefly discusses the Mexican case and its migration flows to the U.S. Hence, this research asks if this paradox also applies to Latin America, specifically to the Colombian case in relation to the current Venezuelan migration crisis which is a south-south migration. Even when Venezuelan migrants are mainly forced migrants escaping the acute economic and humanitarian crisis the country faces, and although this international migration is not caused as a result of the necessity of the destination country of attracting workforce as was the case of Germany and France in the 60s with guests workers, it is interesting to attempt to prove if this tension also takes place in a Global South context such as Colombia. The research replies to this question in section 5.3. Having said that, the text will define now what type of state Colombia is to observe if the phenomenon can be framed in the liberal tension approach.

3.4 Colombia: A Social State Under The Rule of Law

By following all these theoretical approaches, we can now have a closer examination of Colombia as a liberal state. In its constitution Colombia is defined as a social state under the rule of law, however, many of the characteristics of a liberal state and a social one under the rule of law are similar. In his approach to defining what it means for Colombia to be a social state under the rule of law, Villar (2007) explains that in the Colombian constitution there is no explanation regarding what it is to be a social state under the rule of law. Therefore, this author explains first the rule of law, and then the social state, to finally conceptualize what it means for Colombia to be defined this way in its constitution. On one hand, the origin of the state under the rule of law in modern times comes from the German political and law realm in the 18th and 19th centuries and has clearly a liberal root (Villar, 2007). However, the idea of the rule of law can be traced to different origins. In fact, in the Colombian case it is more related to the French one since Colombia got to know the doctrine of the rule of law initially through exposure to French law. What can be seen in the concept is the submission of power to the

law, the government of reason, the government of laws and not of people, the obligation of the ruler to protect the law, the division or separation of branches, the freedom of citizens, the human rights and the constitutional state (Villar, 2007). The main characteristics of the state of the rule of law are: having a constitution, the separation of the branches, the legality principle (the administration should not take any measure against the law), and the principle of guaranteeing fundamental rights.

Regarding the characteristics of the social state, Villar (2007) highlights the following aspects:

1. Obligation to establish bearable living conditions, minimum standards for all society, or minimum existential standards.
2. Social security (social insurance).
3. Social equality (equal opportunities, protection to the socially weak). Equality is not an absolute principle; it refers to a favorable treatment to the socially disadvantaged and, in any case, equality of "chances".
4. Social equity, that is, the elimination of abuses originated in the economic power or personal relationships of dependence. The social state "penetrates all fundamental rights."
5. Public legal system of compensation in the case of state interventions in the rights of individuals.
6. Equally, there must be a fair social behavior of the individual towards the state, which implies a responsible sense of property, cooperation proportional to the financial needs and subsidiarity of social right. (Katz, 1987, p. 94)

Returning to the liberal state, according to Beetham (1992), the components of classical liberalism that "have proved to be indispensable to democracy at the level of the nation state" (p. 41) are:

1. The securing of the freedoms of expression, of movement, of association, and so, on. In this regard, in articles 20, 13, 18, and 19 in the Colombian constitution, it can be observed how these liberties should be guaranteed.
2. An institutional separation of powers between executive, legislature, and judiciary, namely, the rule of law. As it has been observed, the Colombian state also complies with this.
3. The institution of the representative assembly, elected on a geographical basis through open competition for the popular vote. Colombia counts with a senate and a chamber of representatives that complies with this function.
4. The principle of the limited state, and a separation between the public and private spheres, whether the 'private' be defined in terms of an autonomous civil society, of the market and private property, of the family and personal relations, or individual conscience; which is also the case of Colombia.

5. The epistemological premise that there is no final truth about what is good for society, belonging to the domain of revelation or special knowledge, and that the only criterion for the public good is what the people, freely organized, will choose, not what some expert or prophet decrees based on superior knowledge. This can be found in the Colombian case as well since the rule of law should guarantee the freedom of citizens.

In brief, it can be observed that even when Colombia is defined as a social state under the rule of law, it can also be politically and theoretically defined as a liberal state. Economically speaking, Colombia can also be defined as a liberal economy in which the free market is the base, and includes the social aspects that were already mentioned. Hence, it is possible to analyze Colombia under the “liberal paradox” approach to observe if this tension is also taking place in the Andean country in the framework of the Venezuelan migration crisis, and what new elements are playing a role within this relation. This will be done in the empirical analysis after identifying and explaining, first, the challenges for the Colombian state and the measures it has taken so far since 2015 and plans to take (Sections 5.1 and 5.2), to conclude the qualitative analysis with the study of the trans-(formation) that is taking place in the Colombian migration regime as a result of the Venezuelan flows and its characteristics along with the inexperience Colombia had in migration management for being an emigration country (Section 5.4).

4. Methodology and Methods

In less than three years Colombia went from being an emigration country to the nation that has received so far, the highest amount of both Venezuelan migrants and returnees. Therefore, we are talking about a *sui generis* phenomenon in the region that has not been analyzed enough in academia. To study how the Colombian state has been managing the situation from 2015 to the end of 2018, a qualitative investigation based on the content analysis of semi-structured interviews and official documents was conducted. The period selected starts in 2015 since both the Colombian experts interviewed and the representative of the Colombian state identify this moment as the beginning of the crisis when Nicolás Maduro deported 2000 Colombian generating the international migration of around 22,000 Colombian returnees, and finishes in December 2018. The fact that the phenomenon is an on-going and current process was a challenge for this study when analyzing the measures that the Colombian state has been taken since new ones were constantly emerging. Therefore, I decided to stop collecting data in December 2018 due to deadlines I had to comply with to deliver the master thesis. Another limitation is that I cannot use official migration data from Venezuela, since the Venezuelan government has not provided official emigration data during the last 15 years. (De la Vega and Vargas, 2014, p. 72) Thus, the official data provided by international organizations or destination countries was used.

4.1 Methodology

According to Schwandt (1998), objectivism bases on the idea that the world is composed of facts and that knowledge aims to provide a literal account of how the world is. On the contrary, for constructivism what matters is not the facts themselves but “the world of experience as it is lived, felt, undergone by social actors” (p. 236). In other words, in comparison to objectivists, constructivists are committed to the idea that “what we take to be the objective knowledge and truth is the result of perspective. Knowledge and truth are created not discovered by mind” (p. 236). Besides, Castles (2012) explains that there is an important dispute in methodology between positivists and constructivists. Whereas the former claims that “there is an objective world outside us, constructivists believe that “meanings are constructed, interpreted and constantly reconstructed by people in their perceptions and social interactions” (p. 7). By considering these methodology disputes the following study is based on the constructivist approach

since the aim of this master thesis is to analyze the perspectives of the Colombian state representatives and the experts, the migrants and returnees⁶ in combination with the analysis of the official documents already published by the Colombian state concerning the migration management⁷ of the Venezuelan migration crisis to have a better understanding of this *sui generis* phenomenon.

4.2 Methods: Qualitative Interview

Concerning the study of the migration phenomenon, qualitative research aims to “reconstruct people’s everyday experience, both the inner and outer aspects of it, with the meanings those social actors attach to their situations and pursuits” (Morawska, 2018). Thus, when researching social phenomena from a constructivist methodology, it is quite important to analyze the perspectives of those actors involved in the case to be analyzed. Hence, I decided to do a qualitative analysis of semi-structured interviews conducted with actors that are playing a key role in the transformation of the Colombian migration regime as a result of the Venezuelan migration crisis, namely, Colombian state representatives, Venezuelan migrants, Colombian returnees, and Colombian experts on the topic.

The interviews were semi-structured since a guideline was designed after conducting the first stage of the research before going to the field. This guideline included the topics I wanted to cover. After I introduced the topics with the questions, I let the respondents freely elaborate on the topic to have a better inside of what was more important for them. I decided to conduct semi-structured interviews for two reasons that Bernard (1995) explains. On the one hand, this strategy is recommended when the interviewer will not have more than one opportunity to interview someone as it was the case because I could only be in the field for two weeks and the likelihood of coming back to Colombia soon was very low. On the other hand, this type of interview works very well when working with “managers, bureaucrats and elite members of a community-people who are used to efficient use of their time” (p. 210). This was the case of

⁶ The core of the analysis was the perspectives of the experts and the state representatives along with the official reports. However, sometimes the perspectives of the migrants and returnees were also used when it was considered pertinent.

⁷ Migration Regime is a concept closely related to migration management according to Pott et al (2018). Migration management is defined by the IOM (2018a) as “A term used to encompass numerous governmental functions within a national system for the orderly and humane management for cross-border migration, particularly managing the entry and presence of foreigners within the borders of the State and the protection of refugees and others in need of protection. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues”. Therefore, I use both concepts as synonyms.

the experts and the Colombian state representatives. If I let them talk freely the interviews would have been too long, and I could have lost the chance of covering all the topics that were important for me.

4.2.1 The selection of the interviewees and entering the field

To have access to the interviewees, personal networks were used. Since I am Venezuelan, I have many contacts that are both Venezuelan migrants and returnees in Colombia, and they were more than willing to participate. Then, snowball sampling was used. According to Bernard (2011), this strategy provides more participants by asking the interviewees if they can identify other persons who might be willing to be interviewed. The limitation of this strategy is that only contacts they know could participate, reducing the representativeness of the sample since normally friends and relatives share values, visions, and opinions. Therefore, and looking for more variety, I went to the Bogotá streets to find more participants and have a more varied sampling (gender, age, social class, high/low-qualified), namely, to have a stratified sample. This is a strategy usually applied when the population to be studied is expected to be heterogeneous with respect to certain characteristics (Bryman, 2012; Patton, 2002). Stratification criteria in this master thesis were gender, age, different legal categories of migrants (regular, irregular, returnees, and transit), and low and high qualified. Concerning the experts, they were all from the same institution (University del Rosario) which represents a limitation. In the case of the state perspectives, only two persons were interviewed which is very limited, but due to time constraints and accessibility, it was not possible to conduct more interviews with state representatives and experts. However, including the analysis of official reports and speeches decreases this limitation.

Since Colombia is the country receiving the highest number of Venezuelan migrants and refugees, and Bogotá is the city with the highest percentage (between 88,000 and 112,000 which represents 9.8% of Venezuelan migrants, World Bank, 2018), finding Venezuelan migrants on the streets was quite easy. They were selling candy on the buses, dancing on the streets to collect money, working as waitresses, hairdressers, etc.; in short, they were completely visible and open to be interviewed by me, which brings me to the next methodological reflection: my condition as a Venezuelan researcher.

The fact that I am a Venezuelan that also emigrated from the country in 2014 due to the insecurity and economic crisis could be seen as a limitation since I already have my own opinions and perceptions about the Venezuela migration crisis that might interfere with the analysis. In addition, while interviewing Colombians they might not feel so comfortable discussing the Ven-

ezuelan migration topic with me due to my nationality which might also be a limitation. Nonetheless, there are also advantages of my position as a Venezuelan researcher. Firstly, when interviewing Venezuelan migrants they might feel more comfortable and might open themselves more than with another interviewer since I am Venezuelan. Secondly, I personally know the root causes of the Venezuelan migration, I can understand specific linguistic and cultural codes of Venezuelans and returnees, which made it easier for me to find Venezuelan migrants in Colombia since I had contacts that migrated to Colombia as I have already explained it. We can also have a look at the terms *etic* and *emic* to better understand the pros and cons of my positionality as a Venezuelan researcher that is also a migrant:

Emic knowledge and interpretations are those existing within a culture, that are 'determined by local custom, meaning, and belief' (Ager and Loughry, 2004) and best described by a 'native' of the culture. Etic knowledge refers to generalizations about human behavior that are considered universally true, and commonly links cultural practices to factors of interest to the researcher, such as economic or ecological conditions, that cultural insiders may not consider very relevant (Morris et al., 1999). (Guru, 2015)

In this sense, my emic perspective (native of part of the group I analyzed) makes me understand faster the dynamics and mechanisms occurring among Venezuelan migrants. Besides, the Colombian and Venezuelan cultures are very similar which also allowed me to understand better and with a higher velocity than a person that does not belong to this culture, the different social practices, and cultural and linguistic codes occurring in the field.

4.2.2 Execution of the interviews and other considerations.

To collect the interviews and get more access to a bibliography related to the topic in Spanish, a field research in Bogotá, Colombia, from 17 until 31 May 2018 was conducted. Before beginning the interviews and by following the recommendations by Helfferich (2011), I explained to the respondents that the interviews would be anonymous and that the participation was voluntary. The interviews were conducted in offices (experts), and in public places such as restaurants and cafes (migrants), the interviews with the state representatives were made through skype due to the complicated agenda of these public workers. Each interview lasted between one and two hours.

The interviews were done with a recorder and all of them are perfectly understandable and have a good sound quality. Then, the literal transcription of the interviews was conducted in Spanish with the program *f4transkript*. Since all the interviews were in Spanish, after the transcription process they were translated into English by the author of this master thesis. During

the translation process, there were no difficulties apart from finding a translation for the Colombian institutions or legal instruments or permissions created for the Venezuelan migration crisis that do not count with an official translation in English.

It is also important to take into consideration that during the field research I also took notes of everything I was seeing concerning the Venezuelan migration phenomenon. Thus, I also conducted ethnographic observations; even when this is not the main methodological approach used, these notes helped me out to identify and understand other phenomena that would have not been possible while being in Germany. In addition, with the revision of these notes when I was back in Bielefeld, I could have access again to important information and details that supported me to develop the empirical analysis. The field research also allowed me to consult a bibliography about the topic in Spanish that is not available in Germany.

4.2.3 The evaluation of the interviews, reports, speeches, and the creation of the categories of analysis

As Mayring (2015) points out a good content analysis needs to be based on theory and does not only refer to the text to be analyzed but also to the research question that was elaborated based on the theoretical discussion. The content analysis has to be systematic and controlled (p. 13). Also, the center of the content analysis is the development of a system of categories to filter the information needed (Mayring, 2016, p. 114). The development of the categories of analysis was an on-going process that resulted from the process of always bearing in mind the research questions, the context, the theoretical framework, and the analyzed data; thus, there were preconceived codes before analyzing, “*deduktives Element*” (Mayring, 2016, p. 116). The first time a passage was found, that fitted the research question, a category was constructed, and it was named with a term or a sentence as close as possible to the material. If after continuing with the analysis a new passage was found that could be allocated in the already created category, it was assigned to this category. If the new passage fitted my research question, but it did not fit the already defined category, a new category was inductively created. Once it was noticed that no more categories could be created, the whole system of categories was revised. Once the different passages were allocated to the different categories, the whole system of categories was analyzed and interpreted again based on the research questions and the theoretical framework. This way of conducting content analysis is called “*Zusammenfassung*” by (Mayring, 2016), and it was used to reply to the main research question.

While reading the data for the first time, I had always in mind the main research question and the research questions that arose after the theoretical discussion and the analysis of the historical context (“*Deduktives Element*”). Hence, to make the analysis more systematic, different

categories were created in a deductive way by thinking of the main question and the first theoretical question.

The main research question, for instance, was deductively constructed as follows: What is perceived as social challenges that need to be addressed by the Colombian state, and what measures has the Colombian state taken since 2015 and plans to take in order to tackle the Venezuelan migration crisis? With this question in mind while analyzing the data the following categories were deductively created: The characteristics of the flows: velocity, volume, heterogeneity and vulnerability (Section 5.1.1), Health sector challenges (Section 5.1.2), Education sector challenges (Section 5.1.3), Labor sector challenges (Section 5.1.4), The social and economic problems of Colombia that differ in different regions (Section 5.1.5), The challenge of internationalizing the crisis (Section 5.1.6), The challenges and opportunities of the forced internal displacement in Colombia (Section 5.1.7), and The measures taken so far and measures to be taken by the Colombian state (Section 5.2).

For the first theoretical question: up to what extent can we identify a tension between the defense of the migrants' human rights and security, namely the "Liberal paradox" in the Colombia case? the same process was conducted, since the question was directly linked to the theoretical discussion; however, a new category emerged inductively in the process. Since in the liberal paradox approach it was clear that I was looking for the tension between security and migrant's human rights, I had preconceived codes before starting the analysis; thus, the category "Liberal Paradox: Tension Between Security and Human Rights" (Section 5.3) was already established before doing the analysis (deductive process). However, after reading the data a new category was created (inductive process), which was the Venezuelan-Colombian solidarity category since this element was not present in Hollifield's (2004) approach. This question is at the same time linked to the main one since the liberal tension can be seen as both a challenge and a way of tackling the crisis by the Colombian state.

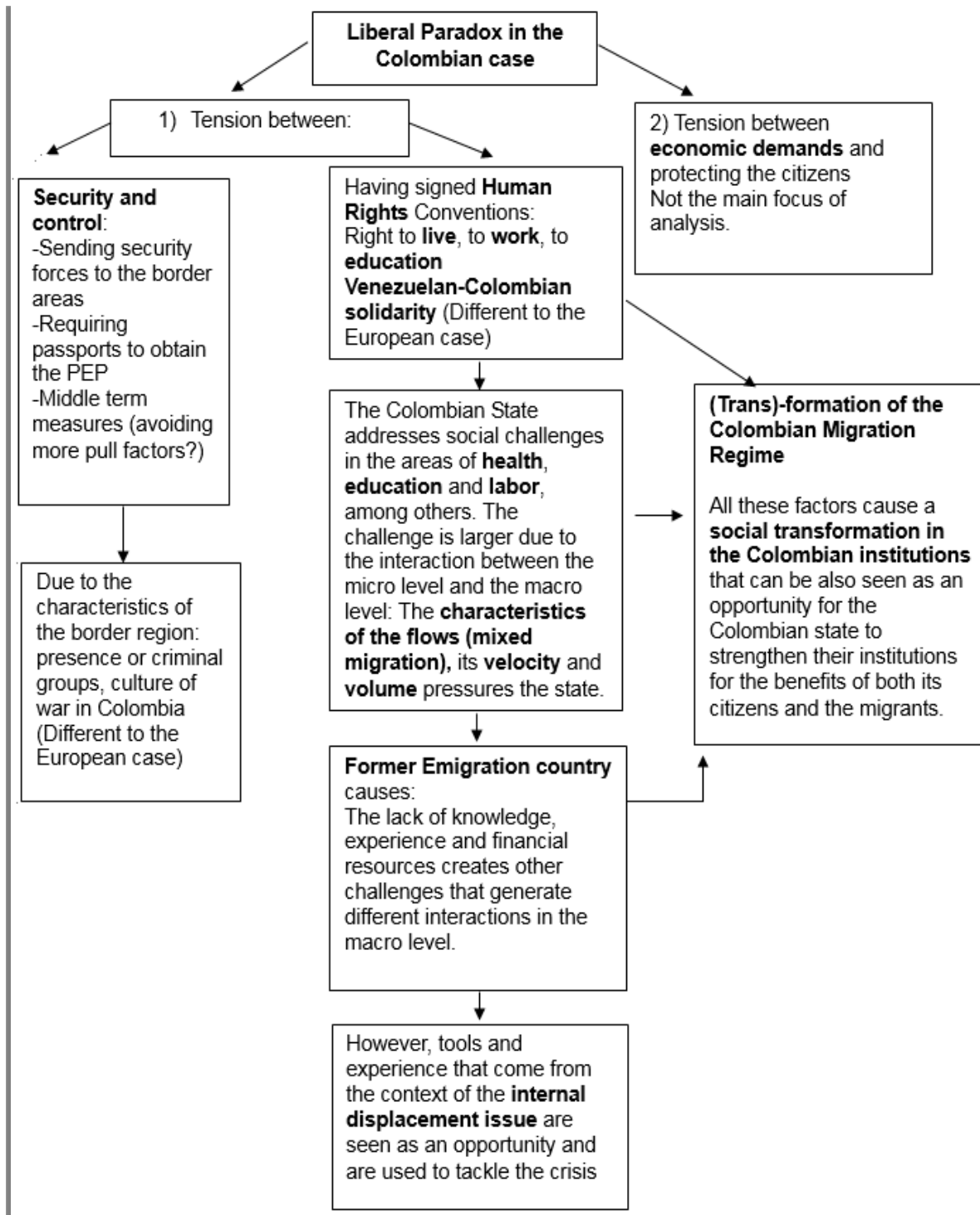
Finally, the last category of analysis: (Trans)-formation of the Colombian Migration regime (Section 5.4), was deductively created since it is related to the question that was generated after the theoretical discussion: Up to what extent a transformation is taking place in the Colombian migration regime and the Colombian institutions as a result of the Venezuelan and Colombian returnees' migration phenomenon? This question is also linked to the main one since the mechanisms found in this (trans)-formation process can be seen as a strategy for the Colombian state to not only tackle the Venezuelan migration crisis but also the deficiencies the Colombian migration regime has had for being mainly an emigration country in the past.

Even when I am aware of the existence of qualitative coding software such as Atlas, I did not use them for this project since I mainly followed the “*Zusammenfassung*” technique of content analysis that does not demand a quantification of the repetition of the codes. Moreover, it was very clear for me to identify my categories since my research questions and objectives were clear and it was accessible to find the ideas connected to them in the interviews and the documents. In addition, since I did the transcription and translation of the interviews the material was already very familiar to me, and having the opportunity of going to the field and observing the mechanisms and actors interacting within the phenomenon allowed me to have a better understanding of the issue. Besides, some of the categories were already evident in the written text analyzed such as the reports, and also the questions themselves in the interviews were already related to almost all categories, at least the ones that were already clear for me such as the challenges and measures, security and human rights before going to the field.

Finally, a mental map which can also be considered as a coding process was created to organize the data, the theories, and the context, and to make sense of the whole *sui generis* phenomenon. This mental map can be found at the beginning of the next chapter.

5. Analysis and Findings

Figure 2. Tensions, Challenges and (Trans)-Formations of a Migration Regime: An Analysis of the New Venezuelan Migration Phenomenon in Colombia.



5.1 Social Challenges for the Colombian State

5.1.1 The characteristics of the flows: velocity, volume, heterogeneity, and vulnerability

The main challenge for the Colombian state has been the velocity, volume, heterogeneity, and vulnerability of migrants and returnees that have moved to Colombia since 2015. Concerning the volume and velocity, Colombia went from having 48,714 Venezuelans in 2015 to over 1.2 million Venezuelan migrants and returnees in 2018 officially (IOM, 2018b). As the Expert02⁸ points out, it is really difficult to know how many Venezuelan migrants and returnees are there in Colombia since many cross the border without stamping their passports, and because many Venezuelans also entered Colombia with another passport such as the Italian, Spanish or Portuguese one -this is the result of Venezuela being an immigration country for so many decades, and that the Venezuela state allows the double citizenship. This means that it is very likely that the number is higher.

This human mobilization takes place in the context of a country such as Colombia that never received these massive immigration flows and that, on the contrary, was characterized by its high emigration patterns as a result of economic instability and the armed conflict. This idea was reiterated by the Colombian state representative 01 (CSR01):

One of those challenges is the size and speed with which they are arriving. Those are the dimensions in terms of speed and flows. In 2014, if I'm not wrong, in Colombia there was a total of 130,000 migrants of all nationalities. By November 30 2018 more than 1.1 million Venezuelans that intend to stay were registered, because there are other types. (CSR01)

According to the CSR01, these are considerable challenges for a country like Colombia that was never thinking about an immigration issue but about emigration. It is estimated that five million Colombians are living in the United States, in Spain, in Venezuela, who left because of many situations. Because of the economic crisis at the end of the decade of the last century, and due to the violence Colombia suffered for many years.

The policies of the Colombian government were designed to serve the Colombian diaspora outside and not to serve immigrants of any nationality in Colombia. There was not that consciousness. The issue becomes a *problem* because it was not gradual, because it did not happen in twenty years, but it is something that happened in 16 months (CSR01).

The same idea was reiterated by the experts:

⁸ See Appendix A to find the information about the participants of the interviews and the pseudonyms used for each of them.

Colombia has been an emigration country, not an immigration one, this is very important. It is a country where society has not been internationalized. (...) It is one of the societies that has had less contact with the outside if you compare it with Peru, Venezuela, Chile” (Expert01).

The government is conscious of the necessity of creating a migration policy that does not exist in Colombia. (...) In Colombia, we did not have immigration experience. (...) This is a completely new phenomenon for the government. (Expert02).

Since Colombia did not count on immigration experience, its legislative apparatus was not prepared for this human mobility challenge. “The Colombian legislation did not contemplate immigration anyhow” (CSR01). Moreover, this state representative explains that the first mistake that the Colombian government under the presidency of Juan Manuel Santos made was that they thought the crisis would stay in the border areas. He points out that it is only from February 8, 2018, with the creation of the Border Migration Office, that the central government understood the necessity of creating an institution to better coordinate a crisis that was now on a national level. Before that, the measures taken were mainly to “extinguish the fire”. This idea is corroborated by the Expert02 who explains that former President Santos’ administration thought that President Nicolás Maduro or the Venezuelan humanitarian crisis would not last that long, and, thus, only in February 2018, he took more specific measures to tackle the crisis. The CSR01 also admits that the government was sort of disoriented and that they had to seek help with organizations that had experience with the migration issue such as the World Bank, Fedesarrollo⁹, among other groups that work with the academia and are financed by the United Nations Development Programme (UNDP). In addition, a series of studies to observe and analyze the situation with women, indigenous groups, among others, was collected. In short, the first focus of the government was to understand what was occurring, how to face those problems, and then how to articulate and coordinate mechanisms to face the challenge. This idea is also reiterated by the experts who explain that not only the government but also the scholars and the Colombian society, in general, were trying to understand the new phenomenon.

A high percentage of these migrants are under a vulnerable condition which also represents a challenge for the Colombian state because these migrants and returnees count with important deficiencies in the areas of health, labor, and education which has created an important pressure on the Colombian national budget. As a result of the collapse of the Venezuelan economy that was already explained in Chapter 2, most of these migrants are moving by bus or foot,

⁹ The Foundation for Higher Education and Development (Fedesarrollo) is a private non-profit entity. Established in 1970, it is dedicated to research on economic and social policy issues. Its purpose is to contribute to the design, monitoring, and improvement of public policies. (Fedesarrollo, 2019)

and do not count on any money or networks in Colombia to make their ends meet. Due to the acute humanitarian crisis that Venezuela faces, many of these migrants show malnutrition signs and already eradicated diseases. According to the World Bank Report (2018), the irregular migrants (approximately 442,000, which represents a bit more than half of the total Venezuelan migration flows in Colombia) face difficult situations regarding access to health, education, and labor in comparison with other migrants and the local population. At the same time, and as it is explained in the report *Challenges and Opportunities of the Venezuelan Human Mobility in the Construction of a Colombian Migration Policy* (Ramos et al, 2018), the Venezuelan irregular migration flows are composed of an important number of vulnerable people such as women (49,7% of the total of the irregular Venezuelan migrants), underage children (27% of the irregular Venezuelan migrants), indigenous groups that mainly belong to the *wayuu* ethnicity (6% of the irregular Venezuelan migrants), and the elderly and pregnant women (almost 2,6% and 2% of the Venezuelan irregular migrants respectively). The indigenous migrants face an extremely vulnerable condition and have been forced to migrate. Most of them belong to the *wayuu* ethnic group. Even though they also count with Colombian citizenship, they face obstacles to regularize their migration status. Indeed, most of these people are irregular migrants and, therefore, encounter difficulties to access to health or education services, among other difficulties (Ramos et al, 2018).

The rupture of the families and the precarious economic conditions of the Venezuelan migrants have also caused an important number of minor migrants that have been abandoned. Until April 27, 2018 “the ICBF (*Instituto Colombiano de Bienestar Familiar*, Colombian Institute of Family Welfare) has started the restoration of the rights of 418 minors that were under the protection of this institution due to mistreatment, sexual abuse, malnutrition, abandonment, and human trafficking aiming sexual exploitation” (Ramos et al, 2018, p. 87). According to the same report, the use of Venezuelan children by criminals to carry out illicit activities is particularly alarming. In addition, the atypical cases of stateless children have increased as a result of the high number of irregular humanitarian migrants, pregnant women migrants, the abandonment of allegedly Venezuelan children, and the fact that Colombia does not recognize the *ius soli* by itself to acquire the Colombian citizenship. A requirement for foreign children to acquire citizenship is that their parents have a temporary visa or a residence permit, which is very difficult to obtain for a Venezuelan. Besides, the asylum seekers are afraid of going to the Venezuelan consulate to register their kids; this creates a “vulnerable and invisible child population for the state because they do not have the right of a citizenship” (Ramos et al, 2018, p. 18, 19)

Migrant women, especially irregular, “are under the risk of prostitution, violence and sexual exploitation” (Ramos et al, 2018, p. 87), which has modified the dynamics of sexual labor in host areas, and has caused social tensions because Venezuelan migrants that prostitute are forced to charge less money; this situation has caused rejection from Colombian women that also practice this activity against Venezuelans. Gender violence has also increased among Venezuelan migrants and according to the Colombian National Institute of Health, support as a result of gender violence has increased 313% among migrants. There is still missing information about different vulnerable groups such as the LGTB community, people with disabilities, and with mental disorders (Ramos et al, 2018, p. 87).

Another condition that increases the vulnerability of Venezuelan migrants, especially of the irregular ones, is the presence of illicit armed groups, and illegal economy in the border zones. The Venezuelan-Colombian border has been characterized by the presence of illegal armed groups such as the ELN, criminal organizations, and more recently FARC dissidents. Most of the Venezuelan irregular migrants use illegal paths to cross the border since they do not count with the necessary documentation, which increases the risk of having contact with these dangerous groups (Ramos et al, 2018). Moreover, the presence of *coyotes* that charge high amounts of money to help Venezuelans to cross the border through illegal routes has also been observed (Semana, 2018).

Another challenge for the Colombian state is that the Venezuelan migration flows are mixed Van Hear (2011) (Section 2.1.1), and are composed of diverse groups with different needs and characteristics such as economic migrants, forced migrants, returnees, refugees, pendular migrants, and transit migrants, many of them vulnerable due to the Venezuelan humanitarian crisis. The latter are the migrants who aim to keep moving to Peru, Ecuador, Chile, or Argentina since they see in those countries more job opportunities or chances of upward social mobility. This was the case of one of the interviewees (Imer, 24, transit migrant) that was aiming first to keep moving to Chile since a cousin told him that the economy was very good over there. However, in Colombia, his plans changed and when the interview was conducted, he was saving money to keep moving to Peru, since he thought he could work there without permission.

But not only are there different groups, but also the intersection of different social characteristics in these individuals, which also represents a challenge. This idea is explained by the expert Ronal Rodríguez in a Colombian radio program released by the Venezuelan Observatory of the University del Rosario:

Not all Venezuelans who are arriving in a humanitarian condition are poor, but their lifestyle has been impoverished by the crisis that Venezuela is experiencing. Many of

those who arrive in humanitarian condition are people that even though are high qualified professionals, due to the deterioration of the lifestyle of Venezuela are victims today of absolutely treatable diseases, but in Venezuela, they do not find medicines, and this has led them to this situation. It is not a homogeneous migration, it is not only poor people or rich people, low or high qualified, it is a heterogeneous group of people with different demands, different needs. (Rodríguez, 2018)

Due to this humanitarian crisis, in the Resolution N° 2-18 of the Inter-American Commission of Human Rights, it was concluded that there is a forced migration crisis in Venezuela because those who leave the country do it to protect their human rights, not only as a result of the economic crisis but also as a response to the political persecution and violation of the human rights the Venezuelan state has been conducting. In addition, the UNHCR published in March 2018 new and specific guidelines for the states to deal with those needing international protection and humanitarian assistance (UNHCR, 2018b). According to the agency, even when not all Venezuelan migrants are refugees, it is clear for them that there is a significant number of Venezuelans needing international protection. In this guideline, the UN agency suggests that if a state has integrated in its national legislation the criteria of the Declaration of Cartagena¹⁰, it should treat the Venezuelan asylum seekers under this legislation to process the request in a fast and simplified way; by considering the conditions under which Venezuelans are migrating (UNHCR, 2018c).

Even though Colombia has signed those conventions, in August 2018, the director of the Colombian Migration Office, Christian Kruger, explained that the Colombian state had not considered installing refugee camps since it was considered as a transitory measure that would not bring a definite solution since, according to him, what the Colombian state was seeking was to integrate these people in the society and not to apart them (Kruger, 2018). As stated by CSR01, since the main objective of the Colombian state is to socially and economically integrate the Venezuelan migrants, they prefer to treat them as migrants and not as refugees due to different reasons. Firstly, issuing the refugee status to a person needs a series of bureaucratic steps because by law the decision is taken individually which prolongs the process. This, however, goes against the recommendation made by the UNHCR, in which it is established

¹⁰ In this declaration, the definition of refugees was extended in the context of the civil war in Central America in the 1980s. According to this declaration, refugees are those “persons who have fled their country because their lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order” (Declaration of Cartagena, p.3).

that the state should treat the Venezuelan asylum seekers under the Declaration of Cartagena to process the request in a fast and simplified way. Nonetheless, the CSR01 highlights that according to the Colombian law by 2018, refugees were still not allowed to work which would make the labor integration process complex.¹¹

5.1.2 Health sector challenges

By taking into consideration the perspectives from the state representatives and the experts, the health issue is an important challenge for the Colombian state by bearing in mind the vulnerability of the Venezuelan migrants and refugees that was previously explained.

The precarious situation of the Venezuelan health system has caused a setback in the Venezuelan health system of about five decades (Ramos et al, 2018). The inflation that reached 1,698,488.2% in 2018 (El Nacional, 2018) and makes medicines inaccessible for most Venezuelans, as well as the fact that many employees of the health sector such as doctors or nurses have left Venezuela due to the crisis, has caused that many migrants and returnees cross the border with diseases that were already eradicated such as diphtheria, measles, malaria, and tuberculosis, among other diseases difficult to be treated (Ramos et al, 2018). In addition, the World Food Program (WFP) of the UN warned that a large part of the three million Venezuelans who have left their country are at risk of malnutrition (Reyna, 2019). Since children's malnutrition became a problem in Venezuela, 15% of minors in Venezuela are at risk of dying of malnutrition, and 33% show a setback in their development (UNICEF, 2018), every day more children and teenagers moved to Colombian showing malnutrition, even before been born. By following the different international conventions, the Colombian state is obliged to guarantee the right to life of all these migrants. However, "there are insufficient nutritional programs and development centers. The lack of knowledge of public servants in this matter and the administrative obstacles are the main causes of the violation of children's and teenagers' rights." (Ramos et al, 2018, p. 25)

The vulnerability of these migrants creates an important pressure in the already critical health system in Colombia that counts with a deficit in its budget. The Colombian health system must guarantee emergency attention, prenatal control, vaccinations, and the affiliation to the system to more than a million regular migrants. This increases the budget of the Colombian state in

¹¹ In November 2018, the City hall of Bogotá created a transitory refugee camp to assist Venezuelan migrants in Bogotá that were living on the streets. However, this camp was dismantled on January 15, 2019. It was not a central government measure but a local one to face a specific problem in the capital, since too many migrants, around 500, were living on the streets in the area close to the city bus station. Thus, the Colombian state keeps trying to treat Venezuelans as migrants and not as a general refugee crisis as it was recommended by the UNHCR.

the health system since the health needs of the Venezuelan regular migrants could cost 350,000 million pesos (approximately 11 million dollars) a year due to the high vulnerability of these migrants coming from a humanitarian crisis in Venezuela (Ramos et al, 2018).

Even when it is established in the Colombian constitution that every foreigner, no matter his or her condition (regular, irregular), should have the right of having medical attention in case of an emergency, there are many cases in which the migrants have no access to medical attention because they do not have passports or because they have diseases that are not counted as emergencies such as HIV or cancer. Many of these migrants sleep on the streets and represent a health risk, especially in the border areas. Along with these irregular migrants, we also have the “*caminantes*”, Venezuelans who walk from the border zones to Bogotá (approximately 550 Kilometers), sometimes even to other countries in the region. They experience strong climate changes and have no access to food, hygiene, or health services (Ramos et al, 2018).

According to the Expert02,

In the health sphere, the main preoccupation has been the budget, how we can find the financial resources to help this vulnerable population. The migrants arrive with malnutrition, and this increases the health costs to treat common diseases. We did not even have the tools to collect the information. When the health statistics were done, there was only the category: “Foreigner”, this has been changing.

Finally, the fact that the Venezuelan migration flow is mixed composed of pendular and transit migrants represents a health challenge not only for Colombia but for the whole South American region. This issue can be linked to the necessity of the Colombian state of internationalizing the Venezuelan migration crisis, which will be further explained in section 5.1.6 since the whole region can be affected by an epidemic crisis.

5.1.3 Education sector challenges

Since not only the health service but also education in Venezuela has been experiencing a decline in its quality, at both the basic and professional levels, many of these migrants are accessing the Colombian education system with important difficulties in the areas of math, humanities, and English. Thus, sometimes the student’s age does not match the class they should be in, which makes the integration process in the classroom very difficult and could lead to desertion of schools (Ramos et al, 2018). Moreover, according to the RAMV, only 30% of the children and teenagers are registered in the education system which means that many migrants are not attending school. Some irregular migrants are afraid of sending their children

there due to their migration status. Besides, some of these children and teenagers are working to help their families or they are taking care of their younger siblings.

According to both experts, even when the guideline of the Ministry of Education is to provide education to all migrant children and teenagers, and to make more flexible the validation process, on a local level there are still some schools that are not giving access to education to the irregular migrants, or they do not allow that the migrants start attending schools out of the normal periods, among other obstacles for the migrants. Moreover, not having an ID is the main obstacle to obtain the degree and take the exam SABER¹². As Expert01 points out, xenophobia is also present at schools, which is also problematic since this rejection from students towards the migrants increases the probability of desertion.

Regarding the challenges for the Colombian state in the area of education for professional or high qualified migrants, the same as with the passport, it is difficult for Venezuelans to get the certification of university degrees, diplomas, transcript of records, and the official international stamp (apostille). Hence, many of them are not allowed to work in Colombia even when they have the qualifications. As a result, they move to other countries where these procedures have been made more flexible. Due to this obstacle, the Colombian state loses these high qualified migrants that could contribute to the Colombian society (Ramos et al, 2018). For example, according to Rodríguez (2018), there are institutional obstacles to allow Venezuelan doctors to work in Colombia, around 2,600 doctors could be helping Colombia in difficult areas, but they prefer to go to Chile and not to Colombia. According to this expert, these obstacles that Venezuelan professionals face are institutional or sometimes legal. In addition, the Venezuelan migrant students that have just finished their studies cannot stay in Colombia, if they do not obtain a working permit after getting their degrees. Thus, many of them migrate to other countries or stay in an irregular condition (Ramos et al, 2018). “Many of the Venezuelan migrants do not have their documents officially stamped and this has increased the levels of informality which is also a challenge” (Expert02).

5.1.4 Labor sector challenges

Even when the experts consider that the Special Permission to Stay (PEP) has been a positive measure to give access to the Venezuelan migrants to work and to reduce the number of irregular migrants that facilitates exploitation, human trafficking and illicit activities, the disad-

¹² Mandatory final exam to finish high-school in Colombia.

vantage of the PEP is that it is a middle-term measure since it last 2 years. An important number of PEP holders still faces difficulties to find a formal job and, thus, work informally or underemployed, this idea was corroborated by both the Venezuelan migrants and returnees interviewed for this project. Another difficulty for the Venezuelan migrants and the returnees is that they developed their careers or worked for their whole lives in Venezuela, and, thus, they do not count with Colombian documents, reference letters, or work certifications easy to corroborate by a Colombian employee. This makes it hard for the migrants and returnees to find a job (Ramos et al, 2018).

They rejected me here because of the title I have, and everything is from Venezuela, in *transmilenio*, a bus company here, and it was not because of my age, it was because I did my studies in Venezuela, and here the parts of the cars have different names. I took the exam and they rejected me for that. (...), they told me that my age did not matter. I am rejected because all my studies were done in Venezuela. (José, 61, returnee)

I have had problems finding a job because my career was done in Venezuela; it was very difficult for me to find this job. Because they cannot contact the work references in Venezuela. (José Guillermo, 42, returnee)

The fact that migrants and returnees face so many challenges to integrating into the Colombian labor system is also a challenge for the Colombian state that aims to economically and socially integrate them. Besides, since one of the human rights is the right to work and the Colombian state has signed the Human Rights Conventions, it has to establish and implement measures to facilitate migrant's insertion in the Colombian labor sector.

5.1.5 The social and economic problems of Colombia that differ in different regions

According to CSR01, another challenge is that Colombia is a developing country and has, as most Latin American countries, very different conditions at the regional level. It has developed areas such as Bogotá, Medellín, or Calí, but it has other regions, especially border regions that remain in the periphery, and have never been able to integrate into the development of the country. These areas such as Cúcuta, Villa del Rosario, Riohacha, Maicao, and Arauca, which already have difficulties helping their populations, began to feel a strong weight from this migration and did not have the elements to support these migrants arriving.

That is another great challenge. One thing is to have... at this moment, 250,000 Venezuelans in Bogotá, there might be a little bit more. Bogotá is a city of eight million and with great institutional capacities that can absorb the number of people, even more, without being affected. Something different happens in municipalities that have institutional difficulties and few capacities (...), those departments and those regions have a much more complicated time absorbing people, and the increase has been really substantial (CSR01).

The state representative also explains the case of the border city Villa del Rosario in Norte de Santander that has approximately 100,000 inhabitants. Due to the Venezuelan migration flows, its population has increased 25% in a year. “A city that had already difficulties of water, basic sanitation, education and that kind of things for the population is being pressured by an increase of 25%. So that is another challenge.” (CSR01)

This challenge is also explained in the World Bank report (2018, p. 135), “institutional capacities in border areas require strengthening, even in absence of migrants. Municipal governments have limited capacities and resources.” The analyzed municipalities, explains the report, present serious technical and budgetary limitations that prevent them from allocating resources for the attention of Colombian and Venezuelan returnees. This budgetary challenge is also pointed out by the Expert01, who indicates that the municipalities had already specific budgets for their regions and that there were no financial resources for migration since it was not an issue before; thus, when the Venezuelans and Colombian returnees arrive, the municipalities could not use the local financial resources to tackle the crisis, since it had not been approved for this use and doing so would be illegal.

5.1.6 The challenge of internationalizing the crisis

As explained in Chapter 2, the Venezuelan migration crisis is a challenge not only for Colombia but for the whole region when considering the number of migrants that have been moving to different South American countries. In addition, the countries facing the highest mobility pressures are neighboring countries such as Colombia, Peru, and Ecuador. Thus, if one of them closes the border or strengthens the requirements for Venezuelan migrants to move there, the neighbor will get these flows back or the migrants that had a different destination will get trapped in the transit country.

For instance, at the beginning of August 2018, before President Iván Duque took office, there was a complex situation in the Colombian border with Ecuador and Peru. The number of Venezuelan migrants intending to move to these countries skyrocketed, since a rumor saying that the Colombian president Iván Duque would close the borders spread. However, many of them could not make it, since both the Peruvian and Ecuadorian states were requesting passports. After these actions, the director of the Colombian Migration Office, Christian Krüger, rejected these measures since, according to him, it would not stop the Venezuelan flows; on the contrary, it would increase irregular migration and informal labor. He concluded that:

We are increasing flexibility in the migratory norms, we are shaking hands with Venezuelans, and we are worried that other countries are restricting the entry of this migration that is leaving their country out of necessity, literally because of hunger (...). To

demand passports today for Venezuelan citizens, when we know that their government is not issuing them, is to punish the people for the mistakes of their leaders. (El Comercio, 2018)

Another example of how some political and legal measures in relation to the Venezuelan migration crisis can alter the flows of Venezuelans in the region could be observed a few days before the deadline for Venezuelans to enter Peru and have the possibility of issuing a *Permiso Temporal de Permanencia*, Temporal Permission to Stay (PTP). The PTP is a temporary permission to stay that allows Venezuelan migrants to work and have access to the Peruvian health service. This measure was taken by the Peruvian government since, according to President Marín Vizcarra, the capacity of the Peruvian state to manage the high Venezuelan migration flows was overflowed (Sputnik, 2018). Thus, the flows of Venezuelans from Colombia to Peru considerably increased a few days before the end of the deadline (October 31, 2018). This caused the collapse of the Peruvian-Colombian border since all migrants had to be vaccinated before entering Peru, and because the process for those aiming to enter the country as asylum seekers and had no passport was longer.

This migration crisis is a challenge for the region, and the changes in the migration policies in the different countries can affect the flows within Latin America. Thus, according to the CSR01, there is another challenge that President Iván Duque has understood very well and has put a lot of emphasis on it, namely, to internationalize the problem since a migration situation of these dimensions cannot be solved by a single country.

Venezuelans are not only in Colombia, they have also migrated to Peru (around 500,000), to Ecuador (200,000), in Argentina and Chile there are roughly 100,000. If Peru closes the border and does not let the Venezuelans in, Venezuelans would stay in Colombia, the same would happen in Ecuador; therefore, it would be a more difficult situation (CSR01).

Thus, the state representative explains that the distribution of migrants is fundamental and it is necessary to understand that this is a regional phenomenon.

Here we did not have the knowledge or capabilities and entities such as the World Bank, United Nations, the IOM, and UNHCR that have knowledge and experience that can help too. Internationalizing the problem, so that all countries know what is happening and work together to find solutions. (CSR01)

In comparison to the idea explained by Faist (2018), in which in the context of the European refugee crisis states have been aiming to externalize the problem, in the Colombian case it can be stated that more than trying to externalize the crisis, the Colombian state is trying to internationalize it to develop cooperation among the affected states so that extra migration pressures within the region, such as the ones explained in the examples, do not occur again. Moreover, the Colombian state is trying to raise awareness in the region to receive financial

support from the South American countries by following the argument that without the first humanitarian support they are given to the Venezuelan migrants, such as the vaccination campaigns or the health service, an epidemic crisis can spread in the region (CSR02).

5.1.7 The Challenges and opportunities of the forced internal displacement in Colombia

Colombia was mainly an emigration country; nonetheless, it counts with important internal displacement issues. According to the UNHCR (2019), Syria is right now the country with the highest number of refugees out of its borders with 5.6 million forced migrants. However, according to the same UN Agency, Colombia is the nation with the highest group of internal forced migrants with 7.6 million (UNHCR, 2018a), more than 15% of the national population. In addition, it is estimated that hundreds of thousands of Colombians are living abroad as refugees, especially in neighboring countries. The root causes of these migration flows have been the armed conflict in Colombia among the state, the guerillas, the paramilitary groups, and drug cartels that has last over 50 years. Even when a peace agreement was signed in November 2016, between the Government and the Revolutionary Armed Forces of Colombia (FARC), “violence continues to uproot thousands of people in Colombia” (UNHCR, 2017).

This is a really important factor for the analysis of this thesis because even when Colombia lacks experience dealing with immigration, as it has been observed so far, having the experience of dealing with the internal displacement has been an important tool the Colombian state and the civil society have used to deal with the Venezuelan migration crisis. In this context, the Venezuelan migration crisis creates more pressures and challenges in the Colombian social protection system already overflowed by the internally displaced persons (Ramos et al, 2018). Moreover, the Colombian government faces extra pressure since the attention to the internally displaced persons cannot be affected by the attention to the Venezuelan migrants and returnees, and the fact that many of the areas receiving internally displaced persons are also receiving Venezuelan migrants and returnees creates challenges in the areas of cohesion and co-existence. However, this experience in internal displacement can also be seen as an advantage to tackle the Venezuelan migration crisis:

Colombia has the institutional, logistical, and technical capacities to generate humanitarian responses as well as measures of social and economic integration that are articulated, integrated, and coordinated. These responses and measures have been put into practice in response to the displacement phenomenon. Indeed, routes of attention to the victims of the conflict and the experience of the PNR (*Plan Nacional de Rehabilitación*, National Rehabilitation

Plan)¹³ constitute a useful basis for Colombia on which it can develop responses to the needs of migration. (Ramos et al, 2018).

Besides, according to the Expert02, in Colombia, there was no international immigration experience but the fact of having experience dealing with internal displacement have helped them to tackle the Venezuelan migration crisis:

We had much experience in internal displacement issues due to the armed conflict. Many of the organizations that were dealing with this issue are now attending the logic of the migrant, and they are the ones that have been able to attend this logic, religious organization, groups of the civil society (...).

Thus, even when Colombia's lack of international migration experience represents an important challenge for the state, it can be seen as an advantage that both the institutions and the civil society count with experience supporting the victims of the armed conflict that are obliged to move. Expert01 highlights as well that when the conduction of the Administrative Registry of Venezuelan Migrants (RAMV) took place, techniques of registration that are normally used in the case of internal displacement as a result of natural catastrophes were used. This means that having an absence of international migration experience permitted the Colombian state and the civil society to use the mechanisms they already knew to create the first response to support, register and control the Venezuelan migrants and returnees.

5.2 Measures Taken so Far and Measures to Be Taken by the Colombian State

Based on the analysis of the World Bank (2018), an instrument quite important to analyze the Colombian migration management or formation of a new migration regime since it was revised by the current Colombian government prior to its publication; the response of the Colombian state in the framework of the Venezuelan migration phenomenon can be explained in three different stages.

Firstly, after the deportation of 2000 Colombians and the return of approximately 22,000, what is considered as the beginning of the crisis by the experts and the state representatives, the Colombian government created control unities in three border control areas. Moreover, a comprehensive health plan was created to cover the necessities of pregnant women and emergencies, and subsidies were given to those who returned. The access to education was made

¹³ The National Rehabilitation Plan (PNR) was the presidential program destined to make state presence in the marginalized areas of the country, especially in areas that suffered the consequences of the armed conflict.

more flexible so that the returned children did not have to present all the necessary documentation, “a humanitarian corridor was created as well, to facilitate the access to education to those Venezuelan and Colombian children that study in Colombia” (CSR01). Humanitarian aid was provided by building five refugee shelters where health service was given.

Secondly, in response to the second migration stage in 2017, new measures were taken. Firstly, and in order to facilitate the pendular migration, the TMF (Border Mobility Card) was created. With this card, pendular migrants can enter Colombia for seven days inside specific border zones established by the Colombian government. In February 2018, the card was not issued any more, but in November 2018, the government decided to issue the card again. In total, 1,624,915 TMF were issued until February 2018. The second control measure was the Special Permission to Stay (PEP). With this permission, Venezuelan migrants can obtain a regular status that allows them to work and be part of the health system (contributive or subsidized). In terms of access to services, the government grants access to health emergencies, the epidemiological fence began, the access to education was expanded for migrant children throughout the national territory, and attention to early childhood, children, and adolescents through the ICBF was activated. Finally, together with the Foreign Ministry, the National Registry of Civil Status, the Attorney Generals’ Office, and the Ombudsman’s Office, exceptional measures were implemented so that children of Colombians born in Venezuela may register extemporaneously with the civil registry of birth.

Thirdly, in February 2018 three main action fields were prioritized by the Colombian state: 1) securitization and control in the border zones, 2) solidarity and protection of migrants’ and returnees’ human rights and, 3) economic development and attention to the returnees. During this stage, the deadline to have access to the PEP was extended, and 112,567 permissions were issued until June 2018. Regarding security and border control, migration controls were increased, and security operations were strengthened. This was shown through the mobilization of 2,150 security forces. Besides, more controls were imposed on the companies that hire migrants. Regarding the transformation in the Colombian institutions as a result of the Venezuelan migration flows and aiming to improve the inter-institutional coordination of the border control, the government created the *Grupo Especial Migratorio* (GEM, special migration group) formed by the National Police, the ICBF, the DIAN, and the Colombian Migration Office. This group aims to control the proper use of the different migration instruments created such as the PEP and the TMF, to recover public spaces occupied by the migrants and returnees that live on the streets, to control smuggling, and to protect minors that were abandoned or separated from their parents.

According to the CSR01, one of the most important measures was the creation of the Border Management Office (*Gerencia de Frontera*) in February 2018. This office, responsible for coordinating the institutional response to migration, reports directly to the President of the Republic. The Border Management Office works together with the UNGR (*Unidad Nacional para la Gestión del Riesgo de Desastres*, National Unity for the Management of Disaster's Risk), the Colombian Migration Office, the IOM, and the UNHCR; and launched the Administrative Registry of Venezuelan Migrants (RAMV), which seeks to register migrants in an irregular situation and identify their characteristics in health, education, social protection, sexual orientation, self-recognition, and employment. This registry, completed on June 8, 2018, has facilitated the decision-making process of public policies, particularly concerning the management of irregular migration.

Concerning the special permissions for Venezuelans, the Colombian state also started to issue in December 2018, the *Permiso Temporal de Tránsito*, Temporal Transit Permission (PTP), so that transit migrants can be regular during their transit in Colombia to their next destination country for 15 days. According to Kristian Kruger, director of the Colombian Migration Office, this document can be obtained without a passport. He points out that this measure will help the Colombian state to count and decrease irregular migration (El Univesal, 2018), the same as the other identification measures taken so far such as the TMF, PEP and the RAMV.¹⁴

Regarding the *human rights protection of migrants and returnees*, the institutional response was strengthened in the areas of education, health, and social protection. The installation of centers of support for the migrants was authorized to provide shelter, food, and information, and make the transit of the migrants easier. The protocol of protection of minors from the ICBF was designed and implemented, and the family reunification was facilitated as well as the transportation to reception communities with the help of the Red Cross. Within this plan, access to health emergencies as well as vaccination for all vulnerable migrants was guaranteed.

In the education realm, access to preschool, basic, and media education for the migrants was permitted, without taking into consideration their migration status, the documentation the migrants hold, and the possibility or not of have certified documents. Migrants also have the opportunity of certifying their educational degrees. Besides, migrants could have access to the School Feeding Plan (PAE) and the school transportation service, according to the conditions of the students and regardless of their origin. Finally, decree 1288 was released on July 25,

¹⁴ See Appendix B to find a table where the control instruments created by February 2019 are listed and explained.

2018. In this document, the PEP was modified to guarantee the entry of the migrants that registered in the RAMV to the institutional offer. In addition, a new PEP has been issued from 27 December 2018, where people that entered Colombian and stamped their passport before December 17, can require the permission.

Regarding the integration in the labor market of the returnees, attention to this group was reinforced at the local level. Nine referral centers and opportunities for the returnees were strengthened; access to the registration of the civil registry of birth and affiliation to the regime of subsidized health was increased. Likewise, the Ministry of Labor has promoted the labor insertion of returnees with an employment route. These projects are part of programs from other government agencies such as the Ministry of Labor, the Ministry of Commerce, the Ministry of Transport, and the Department of Social Prosperity, among others, which are already in progress. In this regard, it is important to mention that none of the returnees interviewed for this project knew of measures or policies specifically directed to them. They only had information about measures such as the PEP taken for Venezuelan migrants in general.

I have never had information about specific policies to help the returnees, just the ones implemented for the Venezuelans in general such as the PEP, and I got this information in Venezuelan groups on Facebook (José, 61, returnee).

I do not know anything about measures to help the returnees, at all (...). For example, I have a sister, she is approximately 70 years old, she was here and she had to come back to Venezuela because she says she prefers to live there with all those necessities than being here, where she did not find anything, she could not even have access to the health service offered by the government due to a series of obstacles they have. We are completely abandoned (Rafael, 59, returnee).

The other returnees (Eliana, Herling, and José Guillermo) were not aware of any information about specific measures to help the returnees or the dual citizens either. When the Colombian state representative was asked about this problem, he admitted that the Colombian state still has a lot to do in this matter. According to his perspective, the problem is that the organism entitled to assist the returnees before the migration crisis was the Chancellor's office, and, indeed, this office has a program called "*Colombia nos une*"¹⁵ to assist them. However, the characteristics of these migrants were very different; it was mainly high qualified Colombian migrants that could be assisted in the case of returning. In this sense, the CSR01 explains that the Chancellor's office is an institution that works for abroad, and their members have no information about the impact of the resources used to assist the returned migration. In short, the Chancellor's Office does not count on the resources or experience to assist the return of over

¹⁵ Colombia unites us.

300,000 Colombians and dual citizens. Indeed, the Colombian state does not even have a clear idea of how many returnees or dual citizens are there since many of them enter Colombia without registering their entrance. That was the case, for instance, of one of the returnees interviewed for this project:

I traveled from Caracas to San Antonio del Táchira, then we crossed the border by foot, and I never had my passport signed or showed my Colombian ID, you can cross the border without registering your entrance. This occurs later on the way but the bus I used took a different way to avoid the border controls since many irregular Venezuelan migrants were traveling with us (José, 61, returnee).

This is one of the weakest elements of the response of the Colombian government. And about that, well, we must work, we must look at how we are going to handle the situation with the department of social prosperity, for some programs to be able to help them, but a lot of pedagogy is needed locally, in the regions. For those special situations of the Colombian returnees, it is paramount what they are doing at the immigration round tables in the municipalities of Colombia. (CSR01)

As it has been observed, for the Colombian state the different social challenges concerning the Venezuelan migration phenomenon that they have been trying to tackle can be located in the following spheres: health, education, social protection, security, control, and identification instruments, and labor access. That these areas represent social challenges that the Colombian state is trying to address to comply with the defense of migrants' and returnees' human rights sheds light on the issue of the liberal paradox that will be further discussed in section 5.3.

For its part, the Colombian state representative 01 explains that tackling the humanitarian crisis and trying to understand the phenomenon was the task conducted by President Santos' administration. Once that foundation has been laid, the new government has three main political pillars regarding the Venezuelan migration phenomenon. Firstly, *the legislation pillar*. Since the Colombian state was not institutionally prepared for such a contingency, the government of President Duque created the CONPES¹⁶ 3950 in November 2018, a white paper about policies in which the state strategy to tackle the Venezuelan migration is defined. This document

¹⁶ The National Council of Economic and Social Policy - CONPES - was created by Law 19 in 1958. This is the highest national planning authority and acts as an advisory body to the Government in all aspects related to the economic and social development of the country. To achieve this, it coordinates and guides the agencies in charge of economic and social management in the government, through the study and approval of documents on the development of general policies that are presented in the session. The National Planning Department performs the functions of the Executive Secretariat of CONPES, and therefore is the entity in charge of coordinating and presenting all the documents to be discussed in session. (National Department of Planning, 2018)

was created after a six-month internal debate among ten ministries and eight national institutions. This CONPES covers the migration issue of Colombians abroad, Colombian returnees, and migrants of all nationalities and it will last three years. The white paper establishes different actions to improve the health, education, children and teenagers, labor, housing, and security sectors as well as the necessary measures to strengthen the institutions to face future challenges (Arteta, 2019). According to the Colombian state representative, the CONPES 3950 includes a series of institutional changes to strengthen the different institutions that the Colombian state believes that have to improve in order to face migration issues such as the Health Institute, the Children and Childhood Institute, among others. “It is about transforming the Colombian institutions and going beyond migrant’s first aid” (CSR01). The cost of this program is approximately 14 million dollars. Besides, this CONPES is developing two draft laws, a migration bill and a border development bill to “adjust the normative and regulatory framework that is very old in Colombia and do not go along with the realities the country is living currently” (CSR01). The state representative also explains that one of the first actions of the new government was to create a national development plan in which a section was dedicated to the social and economic integration of Venezuelan migrants and returnees. He also points out this is very important since even though former president Santos had a very positive attitude towards the Venezuelan migration crisis, he never decided what precise policy the Colombian state would have concerning the migration phenomenon.

The second pillar is the *financial*. According to the CSR01, approximately 14 million dollars have been approved to be invested in hospitals and in schools that are supporting the migrants, among other public institutions. Other two important financial measures taken have been, firstly, the creation of a financial platform to collect money from the World Bank, the Interamerican Development Bank, and the Development Bank of Latin America to help not only Colombia but the whole region that is experiencing the Venezuelan migration crisis; and, secondly, the international cooperation. In this regard, the state representative points out that the country that has helped the most has been the United States (approximately 100 million dollars), then the EU and other countries but on a lower scale.

The third pillar is the *institutional*, which is “composed by the generation of knowledge and a communicational strategy” (CSR01). The first point refers to the studies conducted by the academy and that are still in progress, to have a better understanding of the phenomenon and to get knowledge about the best practices to have a better integration process of both Venezuelan migrants and returnees. Another aspect of this pillar, according to CSR01, is a bottom-top articulation. The Border Management Office is in an on-going process of development. In the beginning, it was only about the appointment of Felipe Muñoz as the Border Manager, but

right now it is about creating an infrastructure to coordinate everything on a central level that generates norms that go to the bottom of the structure. Regarding the bottom-top approach, immigration round tables have been created in the different regions, there are 12 by 2018 in Cúcuta, Riohacha, Arauca, Bogotá, Calí, Medellín, Cartagena, Barranquilla, Santa Marta, Valledupar, Bucaramanga and Ipiales. In these immigration discussion tables, the governors, the majors, and the private sector of the different localities meet to try to solve the problems at the micro-level that emerge from the migration phenomenon. The last element of the institutional pillar is the creation of a coordination unity among the Foreign Affairs Ministry, the Agency of Cooperation, and the Border Migration Office. According to the Colombian state representative 01, when these migration events occur many groups out of the state such as the private sector or the international organizations want to collaborate, and this can be done when there is an articulation among the agencies that manage that cooperation.

These three pillars of political actions that are taking place in the Colombian state are crossed by another relevant element which is the internationalization of the Venezuelan migration phenomenon; this aspect was explained in section 5.1.6.

5.3 Liberal Paradox: Tension Between Security and Human Rights

After identifying and analyzing the main challenges and measures taken by 2018 by the Colombian state, and the strategies they have planned to tackle the Venezuelan migration crisis, the text will discuss if the liberal paradox, analyzed by Hollifield (2004) in a Global North context, takes place in the Colombian case concerning the Venezuelan migration phenomenon, in a Global South background. What other aspects that have been playing a role in this tension that are not included in Hollifield's approach will be also analyzed.

There are important tensions the Colombian state faces between the necessity of securitization that comes from the culture of war in Colombia, along with the challenges that criminal activities in the border areas create, and the pressure of international organizations such as the UNHCR, and the IOM, and the different Human Rights Conventions that Colombia has signed as a liberal state.

First, I will discuss the human rights angle of this tension without forgetting that this angle is also intertwined with the security constellation. By considering that human rights are:

(...) rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the **right to life and liberty, freedom from slavery and torture**, freedom of opinion and expression, **the right**

to work and education, and many more. Everyone is entitled to these rights, without discrimination. (UN, 2018),

there is a considerable effort to protect the migrants' human rights verified by all the humanitarian aid and integration measures that the Colombian state has provided in the context of the Venezuelan migration crisis in the areas of education, health, and labor, that were explained in section 5.2. In addition, the effort to construct a new migration law, and to begin with the transformation of the Colombian institutions, so that the Colombian state can be better prepared in the case of another immigration contingency, also shows this willingness. Moreover, the fact that the main objective of the Colombian state is to help the migrants and returnees to socially and economically integrate, can be seen as a positive measure to defend migrants' and returnees' human rights.

The introduction of permissions such as the Special Permission to Stay (PEP), the Border Mobility Card (TMF), and the Temporal Permission to Stay (PTP) are also positive in the defense of migrants' human rights. With the PEP migrants can have access to formal jobs and the Colombian health system for two years. The TMF allows pendular migrants to go to Colombia to buy food and medicines in the context of the Venezuelan humanitarian crisis. With the PTP transit migrants can be registered, and can be regular in Colombia for 15 days before they keep moving to their final destinations, without a passport. According to the Colombian Migration Office Director, with this last measure, the government pretends to decrease irregularity, and avoid that the transit migrants spend high amounts of money or put their lives in risk to transit Colombia (Colombian Migration Office, 2018b). As Arteta (2019) argues, the creation of these instruments which give thousands of Venezuelans the opportunity of slowly starting their integration process in Colombia set a precedent in the national migration management, and shows the openness of the Colombian Government towards Venezuelan migrants in a global context where other countries are closing their doors; for instance, Brazil left the Global Compact for Migration.

The willingness and consciousness of the Colombian state of working together with those actors with experience and knowledge in the migration phenomenon such as the academia and the international agencies and organizations, as well as being open and seek to receive financial aid from international development banks and other countries, can also be seen as a proof of the disposition of the Colombian state to help the Venezuelan migrants and returnees to cover their needs. Finally, the borders have been kept open by 2018, and in the public speeches Venezuelan migrants are welcomed, a sign of the Colombian state's willingness to receive Venezuelans escaping from a humanitarian crisis.

However, when analyzing the securitization measures, we observe how even when migrants' and returnees' human rights are a priority, security matters too. According to the World Bank (2018), Colombia started to pay more attention to the security issue in 2018. Indeed, in this report a third phase concerning the management of the crisis is framed after February 2018, when three main action fields were prioritized by the Colombian state: 1) securitization and control in the border zones, 2) solidarity and protection of migrants' and returnees' human rights; and 3) economic development and attention to the returnees. As we can observe, the first issue to be addressed was securitization and control in the border zones followed by the migrants' and returnees' human rights issue, which sheds light on the liberal tension, and how important security is for the Colombian state.

By analyzing the public speech former President Santos delivered on February 8, 2018, when referring to the Venezuelan migration flows, the first issue he addresses is the securitization of the border:

There is going to be an important effort, very important, of what is called the military control of the border. 2,120 new troops, new units, new soldiers, and police will be deployed to control the border. There will be soldiers from the land, also from the sea, marines; also, from the Air Force. And they will have as main objective to improve the control over the irregular paths that are used for all the illegal trade and the illegal traffic of people. It has also been decided to strengthen everything that has to do with the fight against organized crime because organized crime has wanted to strengthen by taking advantage of this situation in the borders and taking advantage of these problems. We have already started an operation called operation Sparta. The central axis is here in Cúcuta, but it is for the entire border. (...) In total, we will add more than three thousand new units, new soldiers, new policemen, to this additional control of the border, and to reinforce security. (Former Colombian President Juan Manuel Santos, February 2018)

On the other hand, as a country that has signed the different international conventions such as the Universal Declaration of Human Rights and the latest Global Compact for Migration by the UN, for the Colombian state defending migrants' human rights is important too; however, it appears right after former President Santos discusses the security issues in the same speech:

But just as we are going to be more severe in controls and terms of security, we are also and must be in solidarity with migrants. Already last week a center to assist migrants who are passing through was opened. In that first center, there are 250 beds, with the United Nations. (Former Colombian President Santos, February 2018)

When analyzing the speech of President Santos, we can notice how he first discusses the security issue and what the Colombian state will do to protect their borders from illegal groups, and, then, he talks about defending Venezuelan migrant's human rights. Hence, this tension

between security and the defense of human rights can be found in the Colombian case. Nonetheless, I argue that the Colombian state has its particularities in comparison to the cases analyzed by Hollifield (2004), specifically the reasons why security is important for them.

As explained before, Colombia has lived more than 50 years of armed conflict; thus, both its citizens and the Colombian state need to make an effort to put security first. Moreover, the Colombia-Venezuelan border, which is the most active in the Americas, also faces important levels of smuggling through irregular paths between the two countries, as well as the presence of illegal armed groups such as the ELN, criminal organizations, and more recently FARC dissidents. This situation increases the necessity of strengthening security in the border areas as a result of the Venezuelan migration flow; not because these migrants represent a threat, but because some of them, that do not count with a passport or with a mobility card or permission such as the PEP, TMF or the PTP, use those irregular paths that are surrounded by irregular groups, and these criminal organizations can take advantage of the migrants due to their vulnerable condition. As it is explained in a report conducted by the Colombian magazine “Semana”, the *coyotes* are also taking advantage of the vulnerability of these migrants and charge them with high amounts of money, so that they can help the migrants that might not have a passport or a mobility card to cross the border through an irregular path (Semana, 2018). This idea can be found in former President Santos’ speech when talking about securitizing the border:

(...) And they will have as main objective (the military forces) to improve control over the irregular paths that are used for all the illegal trade and the illegal traffic of people. It has also been decided to strengthen everything that has to do with the fight against organized crime because organized crime has wanted to strengthen by taking advantage of this situation in the borders and taking advantage of these problems. (Former Colombian President Santos, February 2018)

This is different from the securitization constellation explained by Hollifield (2004)¹⁷, in the Global North case, in which the desire of liberal states of protecting their borders from migrants to defend their citizens comes from seeing the migrants as “an economic, cultural and human risk”, namely, the migrants are considered to be a threat for the maintenance of these coun-

¹⁷ This master thesis was written by analyzing data until the end of 2018. The COVID-19 pandemic in 2020 and political statements in the same year by various Colombian actors that have linked Venezuelan migrants to acts of criminality, bring new elements that should be considered for future research on this topic. (See: Las Heras, T. *Luz verde a la xenofobia*. La silla vacía. November 28, 2020. <https://lasillavacia.com/silla-llena/red-de-venezuela/luz-verde-la-xenofobia-77388>)

tries' economy and culture. In the Colombian case, the borders have not been closed to Venezuelans¹⁸ since the authorities are conscious, first, of how such a measure could contribute to irregular migration. Second, by bearing in mind that the Venezuelan-Colombian border is a porous one, even if they close the border people will continue crossing it irregularly. Even though there are five official border controls, there are over 100 irregular ways to cross (Expert02). In the interviews, it was corroborated that both the experts and the Colombian state representative agree on this point.

According to CSR01, the security issue is not a priority for the Colombian government, for him, it is more about control and register than seeing migrants or migration as a threat for Colombians or because the country is going to be overloaded by people as a result of migration. The main priority for the Colombian state, the CSR01 points out, is integrating the Venezuelan migrants and returnees in the social and economic realms and giving them human rights protection. When asked about the security measures taken by former President Santos in February 2018, the CSR01 explains that they were taken in a specific context in the border zones, since, as it was already explained, those are difficult areas regarding security.

These areas have historically been very complex and count with all types of informal and illegal business on both sides of the border. Thus, they are very complex issues, but the migration discussion is not guided by this issue, for example, it is in the United States. In Colombia that is a consideration, but not a central one. (CSR01)

He also points out that with the measures such as regularizing irregular migrants with the RAMV and the PEP in 2018, or not deporting Venezuelan migrants for being irregular, it can be noticed that security is not the main priority. He argues that the state runs the risk of mixing irregular Venezuelan migrants because they could not acquire a passport in Venezuela due to the difficulties over there to obtain legal documents, or because they had to escape do to the political and humanitarian crisis, with for example criminals that might not want to be identified. In this sense, by bearing in mind the securitization measures taken by former president Santos in February 2018, on the one hand, and the intention of the Colombian government of keeping the borders open and granting PEPs to those irregular migrants that registered in the RAMV, along with the no deportation policy, on the other hand, the state representative believes that former President Santos political action was ambiguous. "What should I take, that he sent the police or that we are welcoming everyone?" (CSR01). This is the *liberal tension*, just that it seems that in the Colombian case the necessity of taken security and control measures corresponds more to the complexity of the border zones that is also related to the culture of war in

¹⁸ The border between Venezuela and Colombia has been closed since the beginning of the covid-19 pandemic in March 2020.

Colombia, and the presence of criminal groups, than with an imaginary of seeing migrants as a threat for the country in the economic and cultural realms, as it is the case in the Global North case according to Hollifield (2004). This seems to be the case at least from the perspective of the Colombian government.

Another example of how the Colombian state confronts this tension is when analyzing that one of the requirements to obtain the PEP is to have signed the passport when entering Colombia. However, as it was explained in section 2, issuing a passport in Venezuela today implies a series of difficulties due to the lack of materials, and the high price to obtain the document; thus, and in the context of a humanitarian crisis, many Venezuelans decide to migrate without it. In this sense, when requiring Venezuelans to have this document stamped when it is extremely difficult for them to obtain it, the Colombian state puts security and control first, and then the rights of the migrants because without this document they are not allowed to work legally or to have access to the health service system.

In an attempt to improve the situation of the Venezuelan irregular migrants the Colombian state-organized and conducted the RAMV, where irregular migrants could register and then have access to the PEP. After this process, 105,766 Venezuelan irregular migrants could have the opportunity of issuing the PEP. However, the RAMV was conducted only From April 6 until June 8, which means that those Venezuelans entering Colombia without stamping their passports after the end of the RAMV are not allowed to have access to the PEP, and have to stay in the condition of irregular migrants because without their passports they cannot participate in the new PEP issuing period. Hence, those migrants that could not stamp their passports are isolated, cannot have access to the PEP, and are subjected to exploitation, among other risks for being under an irregular status. In the report *Challenges and Opportunities* (Ramos et al, 2018), this problem can also be found:

(...) the Colombian state does not count with a permanent national system of registration and identification for migrants and returnees (...). Even if the RAMV could register an important number of irregular migrants (...), this measure had a short-term and general character in the framework of the closure of President Santos' government. In the meantime, the irregular and undocumented migration continues on a daily basis without being registered (p. 17).

Another issue concerning the PEP is that it cannot be extended for more than 2 years. This leaves open the question of what all these migrants will do after these two years have passed. When asked about this issue, the CSR01 points out that it is very likely that after this period finishes, a new PEP acquisition process will be launched. In short, the PEP and the RAMV are not permanent migration measures, and the Colombian state launches them for short periods.

It can be concluded that the Colombian state has been taken short and middle-term measures. Indeed, “as a result of the emergency caused by the Venezuelan humanitarian crisis, the measures taken by President Santos were provisional” (Ramos et al, 2018, p. 12). In this regard, the Expert01 explains that the government of President Santos thought that “they could dilate the problem to the next administration but the year 2017 made them understand that more measures were necessary due to the number of migrants that moved to Colombia in 2018 and their condition of vulnerability”. According to the experts, the government thought that Venezuelan President Nicolás Maduro would not continue in the presidency for much time, due to the political instability and humanitarian crisis in Venezuela.

Another problem concerning the irregular migrants that obtained the PEP after the RAMV registration process is that even when they count with the PEP, since they do not have a passport, they cannot open a bank account which leaves these migrants in a sort of legal limbo since many employees need a bank account to process the payments. Thus, even if a migrant holds the PEP, once the employer knows that the migrant does not have a bank account, he might not hire him because he will not be able to pay the migrant by a wire-transfer as many companies do it. Also, even if the migrants are allowed to legally work with the PEP, it does not necessarily mean that the employers will hire them. In relation to this, one of the migrants said the following:

I find the PEP very good, however, let me tell you something, that decree is like the Venezuelan Constitution, it is violated, the employers do with it whatever they want, for example, if a Venezuelan asks for a job with the PEP, the employers will ask him if he has a Colombian ID, and if he does not have it, he does not get the job, and that is a permission that allows you to work, study and to have access to the health service, but nobody follows that, the employers even less. (Rafael, 59, returnee)

Even if the Colombian state makes an effort to allow Venezuelan migrants to work legally, the Colombian society, specifically the employers, also play an important role since they are the ones who decide if they give the job to the migrant or not. The Colombian state can make an important effort to economically and socially integrate the migrants and returnees into the Colombian society, but if the citizens do not want to hire these migrants, the efforts do not matter. Thus, another challenge for the Colombian state is reducing these tensions, so that the integration process can take place successfully.

As it can be observed, the liberal tension takes place in the Colombian case with its particularities. According to many experts, the Venezuelan crisis will not stop soon, even if a new government in Venezuela takes office; thus, the probability of Venezuelans returning soon is not high, and even if the crisis does not continue many migrants and returnees might not return. In this regard, it is interesting to analyze why the RAMV is not permanent and why the PEP

lasts only two years if the Colombian state has shown solidarity towards Venezuelans. Is this a strategy by the Colombian state so that the motivations of Venezuelan migrants to move to Colombia do not increase? Is the Colombian state conscious of the impact it might have to regularize all Venezuelans for a longer period and keeping the register permanent so that more Venezuelans will decide to move to Colombia as a result of these advantages, which will lead to the increase of the Venezuelan migration flows that are already very critic? Or it is just that the government of former President Santos did not see the necessity of applying permanent measures because he thought the crisis would not last that long, and with the transformation that is taking place right now in the Colombian institutions and legislation, those measures will be permanent? When the CSR01 was asked about the future of the PEP and what does the state plan to do when the two-year period finishes, he explains that it is very likely that PEP will be launched again. However, when answering this question, he also says:

There are discussions. I can tell you... at the highest level about what is the most effective response. Although we want to respond with the greatest possible generosity and solidarity with the Venezuelan citizens who enter the country, we do not want to generate a topic that you know about migration issues, which is the pull and the push factor, and here we do not want to pull more migration.

Even when the Colombian state has shown a solidarity discourse and a series of supportive actions in the framework of the migrants' and returnees' human rights advocacy, it might be the case that not making the PEP and the RAMV permanent processes is a way for the state to avoid the increase of the flows and the drivers of Venezuelans and Colombian returnees to migrate to the Andean country, since their motivation will be higher. This might be one of the explanations of the paradox in the Colombian case but the empirical material on this issue was not enough to reply to this question. However, it is a new hypothesis that arises with this study.

Another interesting part of the tension is that even though the UNHCR has recommended treating Venezuelan migrants with the consideration of the Declaration of Cartagena that extends the term refugee to "persons who have fled their country because their lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order" (Declaration of Cartagena, 1984, p. 3), due to the characteristics of the crisis, the Colombian state still prefers to treat the members of the Venezuelan migration as migrants since according to the CSR01 and the Director of the Colombian Migration Office, this status will easier their social and economic integration (For further details see section 5.1.1). Since this point was not the core of the analysis, I recommend further analysis about this issue to study if not giving the refugee status to all Venezuelan forced migrants is more convenient for the migrants' human rights defense and their integration process in the Colombian society.

5.3.1 “Venezuelan-Colombian solidarity”

Another aspect that makes the Colombian case interesting in comparison to the cases analyzed by Hollifield (2004), in a Global North context, is that not only having signed the Human Rights Conventions plays a role to show solidarity behaviors towards the Venezuelan migrants, but also what I call the “*Venezuelan-Colombian solidarity*”. The fact that Venezuela received so many Colombian migrants from the 1970s created a solidarity nexus that can be found in the discourses of the experts and the Colombian state representatives. In addition, as neighbors, Venezuela and Colombia share a bi-national history. As former Spanish colonies, both countries share the same language and a similar culture, and from 1819 until 1830 they were even together in the same nation-state after the independence battles, namely, Gran Colombia.

According to the World Bank (2018), Colombians show empathy and solidarity towards the Venezuelan migrants. In 2017, a survey conducted in Bogotá called “*Bogotá cómo vamos*” analyzed how Colombians were assimilating Venezuelan migrants. The results show that 78% of the interviewees considered that the local administration should give the Venezuelan migrants some type of support. In Bucaramanga and Medellín, 88% of the population believes that the local administrations should give the migrants food and housing, whereas in Cúcuta 69% have this opinion. Most of the interviewees, explains the World Bank (2018), made references to the *brotherhood* ties between Venezuela and Colombia; this was the case, particularly in the border areas. There is also a “generalized recognition of the benefits the Colombian migrants received in Venezuela for decades” (p. 84).

This Venezuelan-Colombian solidarity can be related to the “Islamic solidarity” discussed by Faist (2018) in relation to the Turkish government receiving so many Syrian refugees (approximately 3 million) without closing its borders, and by considering that this country has not signed the Geneva Convention. According to Faist (2018), the “Turkish government has repeatedly proclaimed that Syrian refugees “are Muslim *brothers and sisters*” and, thus, they emphasized an “*Islamic solidarity*” discourse, and to some extent a “common Ottoman heritage” discourse” (p. 416). This type of *solidarity* that results from how Venezuela received over one million Colombian migrants in the second half of the 20th century that were escaping from the armed conflict and were seeking upward social mobility, cannot be found in the cases analyzed by Hollifield’s liberal paradox (2004). This is an aspect in the Venezuelan migration logic in Colombia that contributes with both the Colombian state’s and the Colombian society’s willingness to support and receive Venezuelans. Even though for this project Colombian citizens were not directly interviewed, when analyzing the field notes, it was observed that this argument of solidarity was repeated by many Colombians that were encountered during the

field research, e.g. “Venezuelans received and helped us in the past and now we have to help them too.” (Taxi Driver, Bogotá, May 2018). Former President Santos also emphasizes this idea in the public speech in February 2018:

Venezuela was very generous with Colombia when Colombians wanted to leave looking for a better life. They opened their doors and their arms to the millions of Colombians that wanted to go to Venezuela. We also must be *generous* with Venezuela during these difficult times. Thus, I would ask Colombians to avoid, where possible, xenophobia. Let's avoid these hostile attitudes against Venezuelans.

The Colombian Labor Minister, Alicia Arango, also turns to this idea when explaining in an interview that the Colombian government would allow Venezuelan migrants to work in some areas even if they were irregular: “This is a matter of *solidarity*. When we needed Venezuelans, they were there, it is something humanitarian” (El Espectador, 2018).

Nonetheless, and even when most Colombians have shown solidarity, xenophobia has also taken place. “IOM found that, of the 2,335 surveys conducted with Venezuelan migrants in border areas in Colombia between June and October 2018, 27% reported having experienced some form of discrimination.” (World Bank, 2018, p. 84) This negative perception of the migrants might mainly respond to the expulsion of Colombians from Venezuela, and the idea that these Venezuelan migration flows have brought negative impacts in the economic, labor, and security realms (World Bank, 2018). Another perception that I could observe after analyzing the field notes that I took when interacting with Colombians during my field research in Bogotá was the idea that Venezuelans were charging less money for different jobs which was making the labor competition harder for Colombians. In addition, in the interviews I conducted with Venezuelan migrants and Colombian returnees in Bogotá, only 2 out of 8 did not experience any type of rejection for being Venezuelans or returnees; those who suffered it said that this especially occurs with Colombians from the lower class. Even when this is not the focus of this study, xenophobia is also a challenge for the Colombian state and the measures that the state takes and will take, are paramount to reduce the social tensions that lead to this type of rejection.

5.3.2 The tension between economic opportunities and closing borders

Another aspect of the liberal paradox described by Hollifield (2004) is the “economic forces that propel the liberal states toward greater openness (to maximize material wealth and economic security) and political forces that seek a higher degree of closure (to protect the demos, maintain the integrity of the community, and preserve the social contract)” (p. 900). Even though the tension between security and defending migrants' human rights is the main focus

of the analysis, in the perspectives of both the Colombian state representatives and the experts, it was noticed that Venezuelan migration is seen by them as an opportunity for Colombia economically, socially and culturally speaking. On the one hand, according to the CSR01, the Venezuelan migration and returnee phenomenon can be an opportunity to strengthen the Colombian institutions in general so that both Colombians and Venezuelans can take advantage of this improvement. On the other hand, the Colombian state is conscious of the potential of these migrants to cover job positions, especially in the agricultural areas that suffer a lack of employees, because many young Colombians are leaving the rural areas. In this regard, for the Colombian Minister of Labor, Alicia Arango, it is clear that the Colombian worker is first, but she sees in the migration of Venezuelans to Colombia an opportunity to perform tasks that are currently neglected. According to Arango, “every time more young people are coming from the countryside, which means there are fewer coffee and crops pickers, that is a job in which they [Venezuelans] could help us.” (El Espectador, 2018).

The CSR02 also explains that the Colombian government was working together with the international company McKenzie, to get advice about how to get an economic gain with the Venezuelan migration phenomenon. In academia, it has been already proven that receiving countries gain from immigration, and that immigration is slightly beneficial to the long-term economic growth and competitiveness of immigration countries (Fischer et al. 1997 in Faist, 2016). In this sense, and by considering that Colombia is a liberal state, it is interesting to see how the Colombian state is conscious of the economic winning as a new immigration country, and how the Ministry of Labor’s efforts are already been directed to get an economic advantage from the Venezuelan migration by offering them jobs in areas where Colombian citizens are not interested. Regarding the other angle of this liberal tension, in which political forces also “seek a higher degree of closure (to protect the demos, maintain the integrity of the community, and preserve the social contract)” (Hollifield, 2004, p. 900), the mechanisms that configure this constellation in the Colombian case were already explained in section 5.3.

5.4 The (Trans)-Formation of the Colombian Migration Regime

According to Pott et al (2018, p. 44), “the heterogeneous connections between the actors involved are the key elements of a migration regime’s formation”, and, therefore, they propose to focus “on the meso-level zone off power formation by including micro-level (experiences, agency, patterns of mobilization, etc.) and the macro-level (norms, values, structures, etc.)”

Since I argue that Colombia is experiencing the (trans)-formation of a migration regime due to the newness of the phenomenon in the Andean country, and the impact of the Venezuelan

migration crisis, this part of the empirical analysis will begin with 1) the interaction or “heterogeneous connections” between the first layer or micro-level (the migrants and returnees and their patterns of mobilization) and one actor of the second layer or macro-level (the Colombian state (structures)), and 2) the interaction among different actors within the second layer (Colombian state, experts, international organizations). Even when the Colombian state is the core of the analysis, its practices will be studied by taking into consideration the agency of other actors such as international organizations, the Colombian academia, and the migrants themselves since they play a decisive role in the migration regime.

5.4.1 Interactions between the micro and macro-level

This first interaction is how this migration flow is causing a social change in the Colombian institutions due to four important characteristics that make this a *sui generis* phenomenon; namely, the velocity, volume, vulnerability, and heterogeneity of the Venezuelan migrants and returnees flows, in the context of an emigration country such as Colombia, which count with little immigration management experience, as it is explained by the experts and the Colombian state representative.

According to the World Bank (2018), Colombia was an emigration country until 2015 and the increase of the number of Venezuelan migrants and returnees has had an unexpected dimension that has “overflowed” the institutional structure. “Different institutions on a national, regional and local level have faced situations they were not prepared for.” (p. 73) As it is explained in this report, there were different issues in the Colombian institutions to face this migration dynamic such as the limitation to coordinate an answer between the central government and the local and regional departments or the lack of migration instruments to attend an immigration problem. This idea was also corroborated by both Colombian state representatives. According to the World Bank (2018, p. 74), the inadequate migration policy instruments to attend a migration phenomenon were:

- 1) Absence of service routes for Venezuelan migrants.
- 2) Limitations on the transmission channels of the decisions taken by the central government to the actors in charge of assisting the Venezuelan migrants and returnees.
- 3) Insufficient staff to address the increase in migration flows.
- 4) Limited evidence to take political decisions, due to limitations in the system to collect and analyze information on regular and irregular migration flows. (World Bank, 2018, p. 74)

This idea was also found in the report conducted by the Venezuelan Observatory of the University del Rosario:

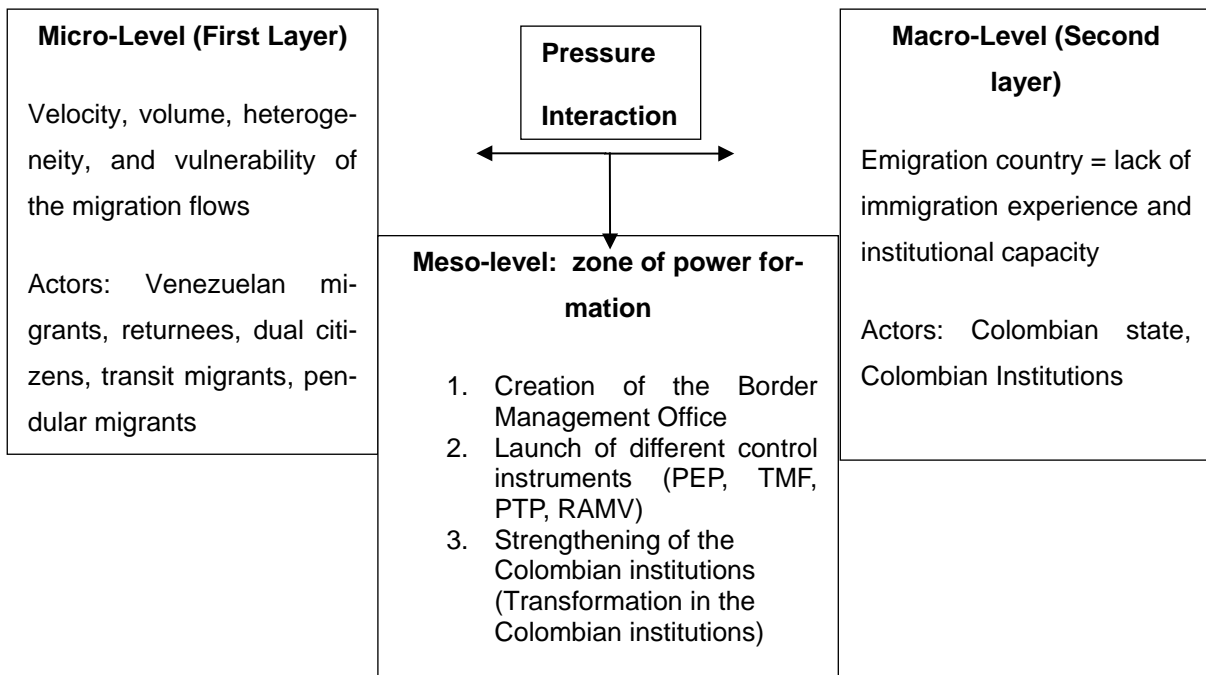
The absence of a migration policy in an international scenario of intense human mobility has created the disjointed appearance of different legal instruments: decrees, resolutions, and some protection ruling by the Constitutional Court that should be examined and harmonized together within a specific legal migration structure. Besides, there is no conceptual framework that explains the meanings of economic, humanitarian, border, transit migrants, or refugees, and there are no rights and duties that these persons should comply with. (Ramos et al, 2018, p. 17)

All these factors create a pressure in the Colombian state that can be seen in the creation of the different control and identification instruments through decrees that were already explained (PEP, TMF, PTP, RAMV), and the formation of a new migration institution, the Border Migration Office. The latter significantly eased the pressures that the Colombian institutional apparatus faced as a result of migration (World Bank, 2018, p. 74). According to this report, even though the pressure was eased with the decision of creating this new institution, it is still important to adequate the institutional structure to improve the attention to the migrants not only in a short term but also to take advantage of this context to facilitate the necessary adjustments and face the gradual increase of Venezuelan migrants that is foreseen in the middle-term.

The transformation in the Colombian migration regime and its institutions can be also observed through the elaboration of the CONPES 3950. This document was produced during six months with the participation of ten Colombian ministries and eight national institutions. In this white paper, the guideline for the next political actions for the Colombian state regarding migration, for the next three years, is explained along with the necessity of strengthening the institutions that have been most affected by the Venezuelan migration crisis. The development of two draft laws is also taking place: a migration and a border development bill, to “adjust the normative and regulatory framework that is very old in Colombia and do not go along with the realities the country is living currently” (CSR01).

How the characteristics of the patterns of mobilization are causing a change in the Colombian institutions is the first main interaction I identify between the micro and the macro-level. This idea also goes along with the one exposed by Faist et al (2018), when analyzing how migration can also cause a social transformation in the host country institutions. Even if it is still too early to talk about a social transformation in the Colombian society, there is evidence that a social change taking place in the Colombian institutions as a result of the Venezuelan migration phenomenon.

Figure 3. Interaction between the micro and macro level that results in the beginning of the transformation of the Colombian Migration regime in the context of the Venezuelan migration phenomenon.



Coming back to the idea of migration regimes by Pott et al (2018), and by considering the interaction between the micro and macro level previously explained, I argue that the transformation of the Colombian Migration regime is taking place, since the characteristics of the migrants and returnees, and the velocity and volume of the flows have been causing a high pressure in the Colombian state that had little immigration experience. This interaction has obliged the Colombian state to 1) create a new institution: The Border Management Office, and 2) strengthen the already existed institutions by following the CONPES 3950 that also entails developing two draft laws, a migration bill, and a border and development bill.

5.4.2 Interactions within the macro level of analysis

Regarding the interactions among different actors within the second layer or macro level in the transformation of the Colombian migration regime, I can identify the interaction between the Colombian state and international institutions, and between the Colombian state and the experts, with the empirical data analyzed for this project. Firstly, the Colombian state is working together with different international organizations as a result of the lack of knowledge and experience explained by the Colombian state representative and the experts: “here we did not have the knowledge or capabilities and entities such as the World Bank, United Nations, the

IOM, and the UNHCR, they have knowledge and experience that can help too.” (CSR01). This interaction can be seen in former President Santos speech too:

And I want to thank the United Nations - its permanent representative, Dr. Martín Santiago, the Secretary General of the United Nations who honored us with his visit very recently - I want to thank the United Nations for their interest and support because we will work together with them. They know very well, at least much better than we know, how to deal with this kind of problem. (Former Colombian President Santos, February 2018)

In addition, in the World Bank report (2018), it is explained how the newly created Border Management Office worked together with the UNGR (*Unidad Nacional para la Gestión del Riesgo de Desastres*, National Unity for the Management of Disaster’s Risk), the Colombian Migration Office, the IOM and the United Nations High Commissioner for Refugees (UNHCR) to launch the Administrative Registry of Venezuelan Migrants (RAMV), which aimed to register migrants in an irregular situation and identify their characteristics. These agencies such as the UNHCR and the IOM count with knowledge and experience since they have worked globally with migration and refugee crisis; thus, “the knowledge and capacities they have are quite important for a government such as the Colombian that is novice and is just learning” (CSR01). However, the CSR01 explains that there is a challenge within this interaction between the Colombian state and the agencies since:

Many times, it is not clear for them that they have to complement the actions and not lead them. It is hard sometimes for them to understand that the government is the one who makes the decisions (...). It is paramount that all the coordination agencies understand that the decision-makers in a country are the rulers and not the agencies. There is a slight tension with the agencies, but that is an issue that we have been working. (CSR01)

When discussing the cooperation with these international UN agencies and the private sector, the CSR01 highlights that one of the major challenges is to coordinate the aid in such a crisis so that the efforts are not lost. For him, it is important that this cooperation is organized, in order not to generate additional tensions. Especially in border communities such as Cúcuta or Villa del Rosario that are located in the periphery and do not count with such a good infrastructure as the capital Bogotá. This situation causes a series of problems for the locals in these border communities. When the local citizens see that only migrants receive help, tensions are created. Hence, the CSR01 explained that the help should not be directed only to the Venezuelan migrants and returnees, but also to the host communities, so that they see that the benefits are for everyone and not only for a few people.

Within these interactions at the macro-level, we can also find the need for international financial support to tackle the crisis. The Colombian state plans to receive financial aid from the World Bank, the Inter-American Development Bank, and the Development Bank of Latin America,

institutions that are working together to face the crisis in the Latin American region. Colombia has also received help from the United States, the EU, and other countries but on a lower scale. (CSR01)

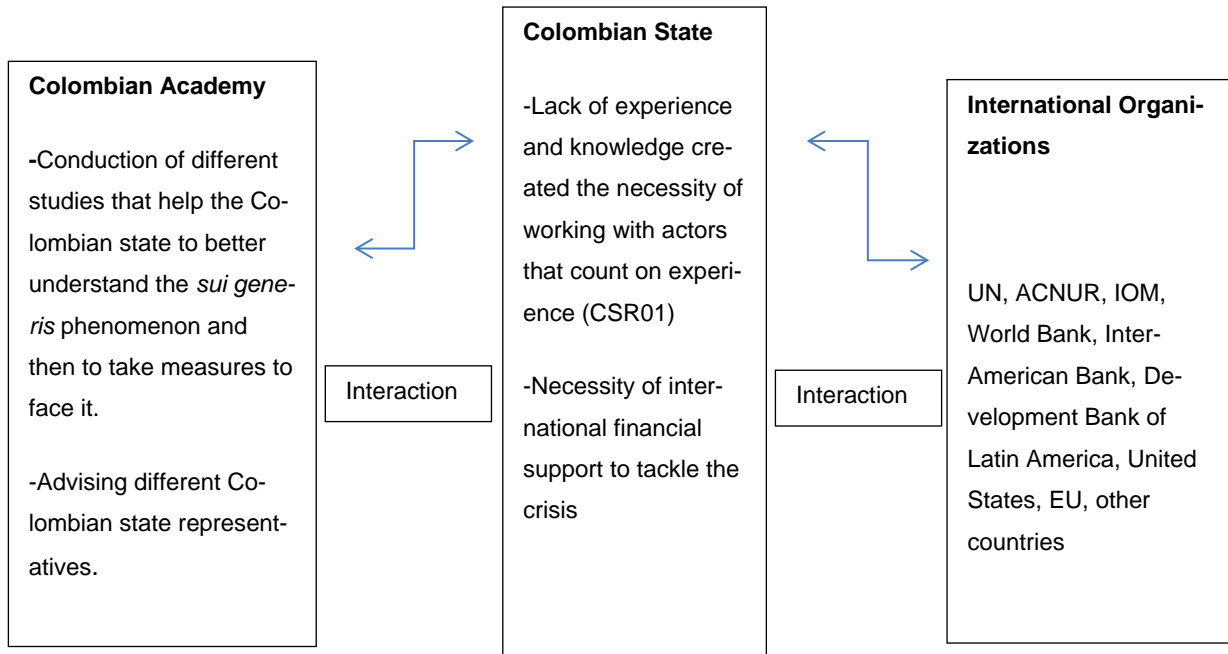
Another interaction among the actors within the macro level is that the Colombian state is making an effort to comply with the different international conventions it has signed such as the Universal Declaration of Human Rights, as was discussed in section 5.3.

Concerning the interaction between the Colombian experts and the Colombian state, according to the CSR01, as a result of the lack of experience in immigration issues the Colombian state encountered, they have been constantly using different studies conducted by the Colombian academia. The state will also be turning to the studies the experts are still conducting to better understand the phenomenon. This strategy aims to get knowledge about the best practices to have a better integration process of both the Venezuelan migrants and returnees. This interaction and collaboration with the academia is so important for the Colombian state that according to the CSR01, it is part of the third pillar of current political action by the Colombian state (Section 5.2).

Also, when the experts interviewed for this project were asked about the government listening to them or addressing them to get recommendations about migration issues, they explain that they have had meetings with the Border Manager, Felipe Muñoz, and the Colombian ambassador in Venezuela in different opportunities, where the experts have helped these representatives of the Colombian state to learn more about the issue to start shaping the new migration regime:

Since last year we have been meeting with the Colombian government, we had many meetings with the Colombian ambassador in Venezuela, he precisely looked for us, and then I had a meeting with his team to discuss the Venezuelan migration issue, so the Government (Santos) has been very receptive with the work the Venezuelan Observatory does, the Government, the ambassador, and the Border Manager have requested or support as experts on Venezuela; obviously, the government is interested in hearing what we have to say from the academia. (Expert02)

Figure 4. Interaction among different actors in the second layer or macro level of analysis in the transformation of the Colombian Migration Regime.



6. Concluding Discussion

After conducting a qualitative analysis of the data collected for this project, and by taking into consideration the analysis of the historical and sociological context, and the theoretical discussion, the following results were empirically generated.

The social challenges addressed by the Colombian state until the end of 2018 could be identified in the areas of health, education, labor, internationalizing the crisis, the institutional and infrastructure differences in the Colombian regions, the financial pressures, the lack of a comprehensive migration law, security, and the lack of an institutional infrastructure prepared for the immigration phenomenon. All these challenges are intertwined with the “*liberal paradox*”: the tension between defending Colombian citizens through border control in a country with a high history of violence, and the defense of the migrants’ human rights as a nation that has signed the Human Rights Conventions. However, for the Colombian state, the migrants are not seen as an “economic, cultural and human risk” as in the cases evaluated by Hollifield (2004) in a Global North context. In Colombia, the need for securitization, at least until the beginning of 2019, responds to the complexity of the border regions, which have historically been very problematic due to the presence of criminal groups. Thus, after February 2018, former President Santos had the security issue as the first angle to be addressed by the Colombian government. He sent different military troops and police officers to the border zones to control the migration flows. It could be observed how important it is for the Colombian state to have a controlled migration to decrease irregular migration evidenced through the creation of different identification instruments or cards such as the Border Migration Card (TMF), the Special Permit to Stay (PEP), the Temporal Permission to Stay (PTP), and the RAMV (Administrative Register of Venezuelan Migrants) to have a better control of the migration flows.

Even when security is important for the Colombian state, complying with the international conventions related to the human rights of the migrants is also important. This could be proved through the collaboration with different international institutions such as the UN, UNHCR, or the IOM, as well as the will and measures taken by the Colombian state to support the Venezuelan migrants (regular and irregular) in the areas of health, education, and labor, among others. Although in all these areas there are still many challenges to be solved, the Colombian state has also established as a priority helping the “Venezuelan brothers and sisters.” The interesting case here in comparison to the cases analyzed by Hollifield (2004), is that not only having signed the Human Rights Conventions plays a role, but also what I call the “*Venezuelan-Colombian solidarity*”, namely, the fact that Venezuela received over one million Colombian migrants after the second half of the 20th century, and that this welcoming created a solidarity

nexus that can be found in the discourses of the experts, the Colombian state representatives, former President Santos, and by Colombian citizens interviewed concerning this topic in the project “Bogotá, cómo vamos”. This solidarity component can be related to the Ottoman solidarity discussed by Faist (2018) in relation to the Turkish receiving an important amount of Syrian refugees without closing the border. The fact that Venezuela and Colombia share the same language, among other cultural values and traditions, also facilitates these solidarity behaviors. Nonetheless, tensions are present and xenophobia has taken place too. IOM found out that 27% of Venezuelans, who were interviewed in border zones between June and October 2018, reported having suffered discrimination. Even though this theme was not the main focus of this master thesis, it is also a challenge for the Colombian state that has as a goal integrating Venezuelans. However, if part of the society rejects them, this task will be more complicated. Hence, the measures the Colombian state takes to reduce these tensions will be of high importance.

Even though the flows keep increasing and according to the experts will continue to increase, if the economic, social, and political crisis in Venezuela does not reduce, Colombia has not and does not pretend so far to close the borders—this changed in the context of the covid-19 pandemic in 2020. The Colombian state is conscious of the difficulty of such a measure due to the porosity of the Colombian-Venezuelan border, and of how applying such measures will only increase irregular migration. Even though the liberal tension can be found in the Colombian case, the Colombian state also keeps in mind and defends Venezuelan migrants’ human rights and aims to socially and economically integrate the Venezuelan migrants and returnees into the Colombian society. In addition, the fact that since December 2018, the TMF has being issued again can be seen as a positive measure by the Colombian state to help the transit of pendular migrants that go to Colombia to buy food or medicines in the framework of the humanitarian crisis in Venezuela. Moreover, the different periods in which the PEP has been issued as well as the creation of the PTP show the willingness of the Colombian state to receive the migrants and register them which also indicates simultaneously that security matters, again, the tension can be observed.

After analyzing this tension, however, a new hypothesis arose in relation to why the Colombian state has not a permanent RAMV where irregular migrants can participate to register and further on request the PEP, and why the PEP only lasts two years and it is issued in periods instead of being permanent. After analyzing the perspective in which the CSR01 explains that Colombia does not want to increase the pull factors, I wonder if the Colombian state is doing

so on purpose, in order not to increase the motivations and drivers of Venezuelan and Colombian returnees, which will subsequently increment the migration flows that are already extremely significant.

Different factors make this phenomenon a *sui generis* one. Firstly, the newness for both sides. On the one hand, the Venezuelan society had not experienced such an emigration flow and, on the contrary, it was an immigration country. On the other hand, Colombia never received such an important human mobility flow. These facts, along with the velocity, the volume, and the heterogeneity of the migrants: economic migrants, refugees, forced migrants, dual citizens, returnees, pendular migrants, irregular migrant, and transit migrants, who are most vulnerable, represent an immense challenge for the Colombian state that did not count with comprehensive migration laws and policies as it was corroborated by the experts and the Colombian state representatives. As a result, I conclude that in Colombia the transformation of an old migration regime is beginning to take place since nor the state, its institutions, its municipalities, neither its society were prepared for such a rapid human mobility process with these characteristics. I end using the term transformation rather than formation because even when Colombia did not experience such an inflow before, there were already some instruments and experience to deal with the internal displacement issues that have been used to tackle the Venezuelan migration crisis, especially by the civil society. This transformation can be seen, firstly, with the on-going formation since February 2018 of the Border Migration Office, a new institution in charge of dealing with the Colombian migration management. Moreover, even when the CONPES 3950 was not fully analyzed in this project, after taking into consideration the perspective of CSR01, it can be stated that through this political white paper a basis has been laid to have the guideline of the measures the Colombian government will be taking to strengthen the different Colombian institutions that have been affected the most by the Venezuelan migration phenomenon, such as the Health Institute or the Children and Childhood Institute, among others. In addition, the development of two draft laws has been established in the CONPES 3950, a migration bill and a border development bill to “adjust the normative and regulatory framework that is very old in Colombia and do not go along with the realities the country is living currently” (CSR01). The creation of these draft laws responds to the necessity many times described by the experts and the Colombian state representative of creating a new and integral Colombian migration law. I recommend further analysis of the CONPES 3950, to study if some institutions or aspects are missing in the transformation of the Colombian migration regime, and to follow up if these projects will be concluded.

As a result of the Venezuelan migration crisis that began in 2015 after 22,000 Colombians returned, the Colombian State created different instruments of identification in order to count

the migrants, avoid irregular migration and give the Venezuelan migrants the opportunity of having access to the labor market and health system in Colombia, this was the case of the creation of the PEP. Since the PEP is not a visa, and it is a middle-term measure, different questions arise in this regard that are problematic: 1. what will happen with the Venezuelan migrants that hold the PEP once the two years of duration expire? 2. How can the Colombian state solve the issue of those migrants that even though hold the PEP do not count with a passport which makes for them impossible to open a bank account, and, thus, might not be employed? 3. How can the Colombian state guarantee that the Colombian society will consider this PEP as the only requirement for these Venezuelan migrants to work? As it was observed in this empirical analysis, many of the migrants and returnees interviewed could not find a job because they developed their careers in Venezuelan, even if they had the PEP (Venezuelan migrants), or the Colombian nationality (returnees). In this sense, the legal instruments are not enough, and the state needs to implement different campaigns within the Colombian society to reduce rejection and the tensions caused as a result of these rapid and significant flows. A good alternative might be the one directed by the Venezuelan Observatory in the University del Rosario, where the experts aim to educate the media about the phenomenon to avoid rejection discourses in television and newspapers.

Concerning the interactions of different actors that have been taking place in the transformation of the Colombian migration regime, I could first identify the pressure the characteristics of the Venezuelan and returnees migration flow (micro-level) has been causing in the Colombian state (macro-level) that, as it was already mentioned, was not prepared for this complex flow. The velocity of the phenomenon, the heterogeneity of the flows that include an important amount of vulnerable Venezuelan migrants and returnees that suffer from high deficiencies in the education, health, and labor sector, along with the number of the flows, have caused an important financial and humanitarian pressure that has obliged the Colombian state 1) to create new migration permissions (TMF, PEP, PTP, RAMV), 2) to create a new institution (Border Migration Office), 3) to request international aid, and to develop an internationalization strategy of the crisis to get international support, especially from the countries of the region that are also being affected by the crisis, 4) to develop two bills (migration bill and a border development bill), and 5) to launch a CONPES 3950 that is fully dedicated to the migration phenomenon.

Secondly, the characteristics of the flows previously mentioned along with the lack of knowledge and experience the Colombian state had in migration management have also caused important interactions within the macro-level of analysis. The Colombian state has been working together with international organization such as the UN, the UNHCR, the IOM, as well as with different groups of the Colombian academia that have been conducting different

studies to shed light on the problem, understand the phenomenon and, then, create the necessary policies to tackle the issue, since the Colombian state considers that these are the institutions that count with the necessary experience and knowledge to collaborate to solve the crisis. In addition, the need for financial aid has generated interaction with different international banks in the world and the region. It is important to mention that due to time constraints and the complexity of a multilevel-analysis approach, it was not possible to include other actors such as migrants' associations or the transnational layer that also play a role in the transformation of the Colombian migration regime. Thus, further studies that include these actors are highly recommended to have a deeper and better understating of the transformation in the Colombian institutions and its migration regime as a result of the Venezuelan migration flows and the high pressure it had been causing in the Colombian state. Moreover, the methodology proposed by Pott et al (2018) should be done in better research conditions with more time, resources, and a bigger team of researchers due to the multiplicity of actors and the complexity of identifying and analyzing these interactions. However, for me, this approach was very useful to make sense of the complex and new phenomenon I was analyzing, and the different actors involved in different levels.

The tension between being a liberal state economically “caught between economic forces that propel them toward greater openness (to maximize material wealth and economic security) and political forces that seek a higher degree of closure (to protect the demos, maintain the integrity of the community, and preserve the social contract),” (Hollifield, 2004) was not the core of this analysis. However, it was observed that the Colombian state is conscious of the importance of migration to strengthen the economic development of the country, if migration management is correctly done and migration and integration policies are created. Indeed, they have been working with experts to take full advantage of the new labor force arriving for economic purposes.

Finally, it was observed that the Colombian state has taken some measures to help the returnees in different areas such as the integration in the labor market (World Bank, 2018); however, none of the returnees interviewed for this project had any kind of knowledge of any specific policies to support them. The CSR01 admitted that the Colombian state still has plenty of work to do in this matter. By considering there were over 300,000 returnees by 2018 that face a series of different social and economic difficulties such as integration in the labor market, discrimination, or belonging problems, more institutional attention should be given to them.

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Appendix A

Information about the participants

Category of respondent	Pseudonym and age	Position	Other Information
Colombian State Representative	CSR01	Former Member of the Border Migration Office	
Colombian State Representative	CSR02	Member of the Border Migration Office during the former President Santos administration	
Expert from the Colombian Academia	Expert01	University del Rosario	
Expert from the Colombian Academia	Expert02	University del Rosario	
Returnee	Rafael, 59	Hair dresser	He was born in Bogotá and migrated to Venezuela in the 80s
Returnee	Juan,61	Mechanic in Venezuela	He was born in Colombia and migrated to Venezuela 35 years ago
Returnee	José Guillermo, 42	Accountant	
Dual citizen	Eliana, 25	Student	Daughter of a Colombian family. She was born in Venezuela.
Dual citizen	Herling, 42	Lawyer in Venezuelan English teacher in Colombia	Wife of a Colombian returnee. She was born in Venezuela.

Regular Venezuelan migrant	José, 36	Hair dresser	
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Appendix B

Instruments of Control and Identification launched as a result of the Venezuelan migration crisis in Colombia

Instrument of Control and Identification	Requirements	Other Information
PEP (<i>Permiso Especial de Permanencia</i> , Special Permission to Stay)	<ul style="list-style-type: none"> -To be in Colombia at the time of the publication of these resolutions. -To have entered Colombia through a Migration Border Control with a stamped passport. -Not having national or international judicial records. -Not facing a current expulsion or deportation measure. 	<p>1st stage: July 2017-October 2017 (Migrants had to enter Colombia before July 28, 2017)</p> <p>2nd stage: RAMV (Those who registered in the RAMV could have access to the PEP). It has been extended many times until December 21, 2018.</p> <p>3rd stage: from 27 December 2018 (people that entered Colombia before December 17, 2018)</p>
TMF (<i>Tarjeta de Movilidad Fronteriza</i> , Border Mobility Card)	<ul style="list-style-type: none"> -Venezuelan ID Card -Electoral Register -Residence Proof 	<p>Issued from 2016 until February 2018</p> <p>Issued again from November 27.</p>
RAMV (<i>Registro Administrativo de Migrantes Venezolanos</i> , Administrative Register of Venezuelan Migrants)	<ul style="list-style-type: none"> -A document that proves the Venezuelan nationality. 	<p>From April 6 until June 8, 2018.</p> <p>Both regular and irregular migrants intending to stay in Colombia could participate except for those that already had the PEP.</p>
PTP (<i>Permiso Temporal de Permanencia</i> , Temporal Transit Permission)	<ul style="list-style-type: none"> - To have entered Colombia through a Migration Border Control with a stamped passport. 	<p>Issued from December 2018.</p>